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TRANSMITTAL Legal Staff
Filing Date
First Named Inventor

Application Number

09/936,888

September 3, 2002

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| 1 | PTO/SB/21 (07-06) |

| ADENIAM FORM | tional Divisi | ion | Se | eptember 3, 2002 | | | |
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| | | Art Unit | 16 | JUN 1 3 2007 | | | |
| (to be used for all correspondence after init | ial filing) | Examiner Name | Ur | nassigned | | | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 01 | 5280-377100US OFFICE OF PETITION | | | |
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| | EN | CLOSURES (Check all | mat apply | After Allowance Communication to TC | | | |
| Fee Transmittal Form | | Drawing(s) | | | | | |
| Fee Attached | | Licensing-related Papers | | Appeal Communication to Board of Appeals and Interferences | | | |
| Amendment/Reply | | Petition | | Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) | | | |
| After Final | | Petition to Convert to a Provisional Application | | Proprietary Information | | | |
| Affidavits/declaration(s) | | Power of Attorney, Revocation Change of Correspondence | | Status Letter | | | |
| Extension of Time Request | | Terminal Disclaimer | iuui USS | Other Enclosure(s) (please identify below): | | | |
| Express Abandonment Request | | Request for Refund | | Copies of 9 Exhibits; A copy of the Declaration and a Return Postcard | | | |
| Information Disclosure Statement | | CD, Number of CD(s) | | | | | |
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| Certified Copy of Priority Document(s) | Rem | The Commissioner Account 20-1430. | is author | ized to charge any additional fees to Deposit | | | |
| Reply to Missing Parts/ Incomplete | e | | | | | | |
| Application | | | | | | | |
| Reply to Missing Parts under 37 CFR 1.52 or 1.53 | 3 | | | | | | |
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| SIG | NATURE | OF APPLICANT, ATTO | RNEY, | OR AGENT | | | |
| Firm Name Townsend and To | | · · · · · · · · · · · · · · · · · · · | ······································ | <u></u> | | | |
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| Printed name Annette S. Parent | <u>, </u> | - 12-11 V-1 | | | | | |
| Date (0/5/7 | 7 | Reg | . No. | 42,058 | | | |
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| | CERTIFICATE OF TRANSMISSION/MAILING | | | | | | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | | | | | |
| Signature | il | | | | | | |
| Typed or printed name Jessie M. | Kelly | | | Date 45/07 | | | |
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450
On 6-5-07

TOWNSEND and TOWNSEND and CREW LLP

By: Jessie M Kelly

PATENT

Docket No.: 015280-377100US

Client Ref. No.: E-286-98/4

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Douglas E. Brenneman, et al.

Application No.: 09/936,888

Filed: September 3, 2002

For: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH

ADNF POLYPEPTIDES

Confirmation No.: 2917

Examiner:

Unassigned

Art Unit:

1646

PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment for the above-referenced patent application for alleged failure to provide a proper declaration.

The facts are as follows:

- 1. The above-referenced application was filed on September 3, 2002 under the provisions of 35 U.S.C. § 371.
- 2. On November 28, 2001 the United States Patent a Trademark
 Office (USPTO) mailed a Notification of Missing Requirements

- Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Exhibit A).
- 3. On September 12, 2001 we responded to the Notification of Missing Requirements (Exhibit B).
- 4. On July 17, 2002 the USPTO issued a Communication indicating that the Declaration filed on September 12, 2001 is improper (Exhibit C).
- On July 5, 2002, Applicants filed a copy of the September 12,
 2001 Declaration with supporting documents attached (Exhibit D).
- 6. On August 2, 2002, the USPTO mailed a Notification of Defective Response indicating the Declaration submitted on September 12, 2001 is insufficient. (Exhibit E).
- 7. On August 15, 2002, the USPTO issued a Communication indicating that both of the Declaration submissions on September 12, 2001 and July 5, 2002 are improper (Exhibit F). It also indicates that the USPTO awaits a response to the Notification of Defective Response mailed on August 2, 2002.
- 8. On August 26, 2002, Applicants filed a Response to the Notification of Defective Response mailed on August 2, 2002. (Exhibit G).
- 9. The USPTO mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 on September 24, 2002 (Exhibit H).
- 10. The USPTO mailed a Filing Receipt on September 24, 2002 (Exhibit I).

REMARKS

The undersigned attorney has never received a Notice of Abandonment or an Office Action in the instant application. The assistant to undersigned attorney discovered, while completing a status check in the above-referenced application, that the application was listed as abandoned in USPTO PAIR. After a telephone call to the USPTO to determine the status of the application, the assistant was notified by the examiner that the above-referenced application was abandoned. The records stated that the abandoned status was due to failure to respond to the Notification of Defective Response Post Card dated August 2, 2002 (Exhibit G). However, the Applicants submitted a Response to the Notice of Defective Response on August-26, 2002. Theattached Response (Exhibit G) was date stamped by the USPTO on September 3, 2002. Shortly after the Response was filed, the USPTO mailed a Notice of Acceptance dated September 24, 2002 (Exhibit H) and a Filing Receipt dated September 24, 2002 (Exhibit I).

Applicants respectfully petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment due to a United States Patent and Trademark Office error.

Should the petition to withdraw holding of abandonment not be granted, Applicants petition in the alternative to revive the above-referenced application under 37 C.F.R. § 1.137(b) as unintentionally abandoned for failure to timely respond to the Notification of Defective Response dated August 2, 2002. Applicants request revival of the application and submit the required response in the form of executed formal documents. Applicants herewith:

If necessary, the Commissioner is authorized to deduct the petition fee, pursuant to 37 C.F.R. § 1.17(m), in the amount of \$1500.00 for a large entity, and authorize payment of the missing parts fee in the amount of \$130.00 for a large entity pursuant to 37 C.F.R. § 1.16(e) from Deposit Account No. 20-1430 of the undersigned. The utility application filing fee was already paid upon filing the application. If necessary, please also charge any required extension of time fee to Deposit Account No. 20-1430 of the undersigned.

Please charge any additional fees or credit overpayment to the above deposit account.

CONCLUSION

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (925) 472-5000.

Respectfully submitted,

Annette S. Parent Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP.
Two Embarcadero Center, Eighth Floor

Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834

Tel: (415) 576-0200 Fax: (415) 576-0300

ASP:jmk

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EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

Countissioner for Patents, Box PCT United States, Patent and Trademark Ciffice Washington, CoC., 2023

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO.

09/936,888 Douglas Brenneman 015280-377100US

INTERNATIONAL APPLICATION NO.

PCT/US00/06364

LA. FILING DATE PRIORITY DATE

03/10/2000 03/12/1999

Annette S. Parent Townsend & Crew Two Embarcadero Center, 8th Floor San Francisco, CA 94111

CONFIRMATION NO. 2917
371 FORMALITIES LETTER

OC000000007019473

Date Mailed: 11/28/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination

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The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

• \$130 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

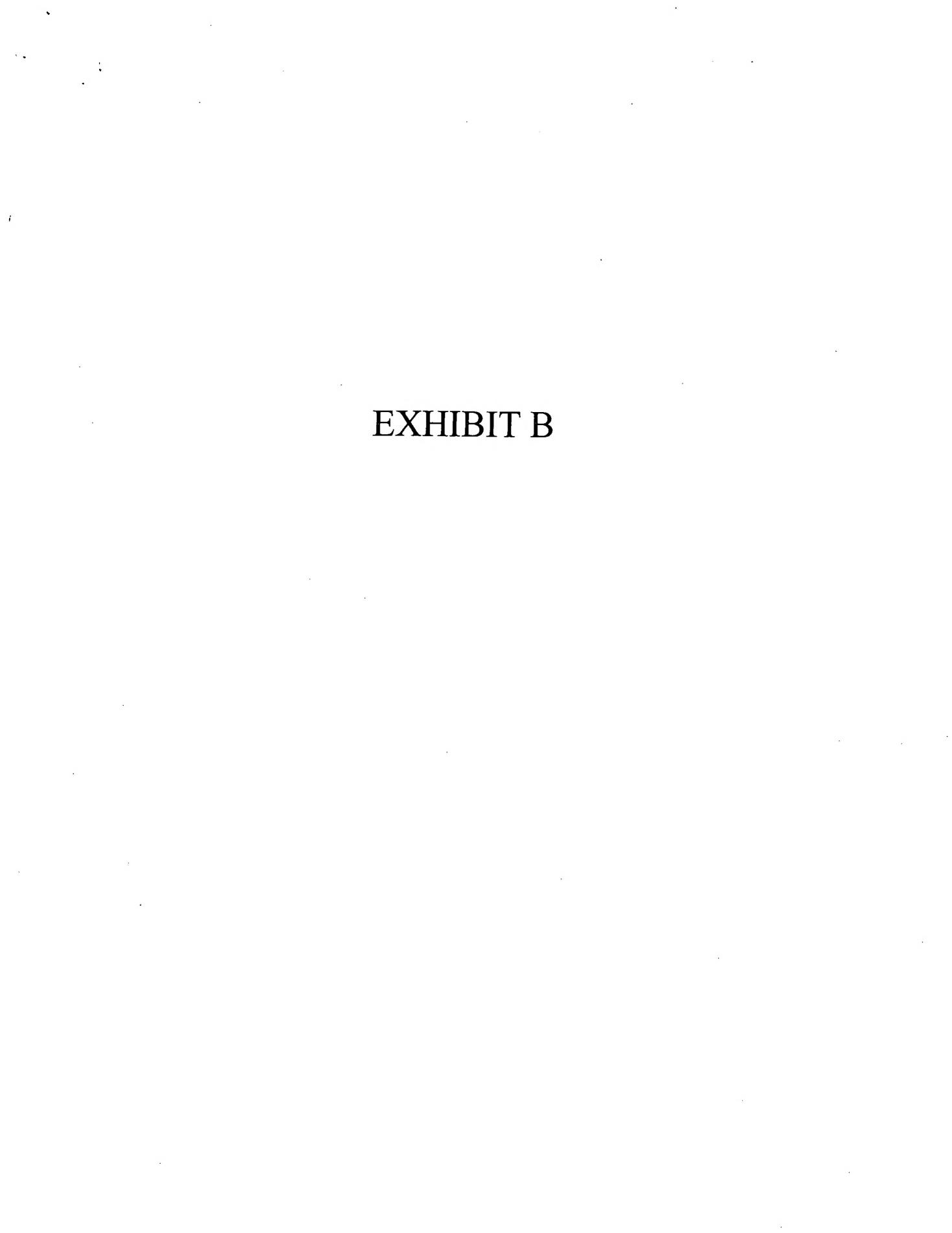
A copy of this notice **MUST** be returned with the response.

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY, DOCKET NO. |
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| 09/936,888 | PCT/US00/06364 | 015280-377100US |



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BOX PCT (National Phase) PATENT APPLICATION FILING ACKNOWLEDGMENT

Mailing Date: September 12, 2001

Express Mail Label No.: EL 394871695 US

File No.: <u>015280-377100US</u>

Attorney: Amette S. Parent/kji

Inventor(s): BRENNEMAN et al.

Title: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL **DEATH WITH ADNF POLYPEPTIDES**

☐ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371, w/authorization to charge fee (+duplicate);

Declarations and Powers of Attorney of Douglas Brenneman and Catherine Y. Spong;

Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano;

Appointment of Associate Attorneys and Agents;

Statement under 37 C.F.R. §3.73(b); and

Please stamp date of receipt of the enclosed documents and return this card to addressee

BOX PCT (National Phase) PATENT APPLICATION FILING ACKNOWLEDGMENT

Mailing Date: September 12, 2001

Express Mail Label No.: EL 394871695 US

Attorney: Annette S. Parent/kji

rue <u>_15280-377100US</u>

Inventor(s): BRENNEMAN et al. Title: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL

DEATH WITH ADNF POLYPEPTIDES

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)

Concerning a Filing under 35 U.S.C. 371, w/authorization to charge fee (+duplicate); Declarations and Powers of Attorney of Douglas Brenneman and Catherine Y. Spong;

Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano;

Appointment of Associate Attorneys and Agents;

Statement under 37 C.F.R. §3.73(b); and

Change of Correspondence Address.

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| (REV. 11-2000) | | 015280-377100US | | | | |
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| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED | | | | |
| PCT/US00/06364 | March 10, 2000 | March 12, 1999 | | | | |
| TITLE OF INVENTION | | | | | | |
| PREVENTION OF FETAL ALCOHOL | SYNDROME AND NEURONAL CELL I | DEATH WITH ADNF POLYPEPTIDES | | | | |
| APPLICANT(S) FOR DO/EO/US | | | | | | |
| Douglas BRENNEMAN, Catherine Y | '. Spong, Illana Gozes, Meray Bassan | , and Rachel Zamostiano | | | | |
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| | |) the following items and other information: | | | | |
| | is concerning a filing under 35 U.S.C. 371 | 1 | | | | |
| | NT submission of items concerning a filing | | | | | |
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| | ration of 19 months from the priority date (A | Article 31). | | | | |
| 5. A copy of the International Applicat | | | | | | |
| | only if not communicated by the Internation | nal Bureau). | | | | |
| b. has been communicated by | | | | | | |
| - | cation was filed in the United States Receivi | ng Office (RO/US). | | | | |
| | he International Application as filed (35 U.S | | | | | |
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| _ | ted under 35 U.S.C. 154(d)(4). | | | | | |
| - | ternational Application under PCT Article 19 | 9 (35 U.S.C. 371(c)(3)). | | | | |
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| | he amendments to the claims under PCT Ar | ticle 19 (35 U.S.C. 371 (c)(3)). | | | | |
| 9. An oath or declaration of the inventor | | | | | | |
| | he annexes of the International Preliminary | Examination Report under PCT | | | | |
| Article 36 (35 U.S.C. 371(c)(5)). | | | | | | |
| Items 11 to 20 below concern docu | ment(s) or information included: | • | | | | |
| 11. An Information Disclosure Statemer | | | | | | |
| 12. An assignment document for record | ing. A separate cover sheet in compliance v | with 37 CFR 3.28 and 3.31 is included. | | | | |
| 13. A FIRST preliminary amendment. | | | | | | |
| 14. A SECOND or SUBSEQUENT preliminary amendment. | | | | | | |
| 15. A substitute specification. | | | | | | |
| 16. A change of power of attorney and/o | | | | | | |
| 17. A computer-readable form of the sec | quence listing in accordance with PCT Rule | 13ter.2 and 35 U.S.C. 1.821 – 1.825. | | | | |
| 18. A second copy of the published inte | | | | | | |
| 19. A second copy of the English language | age translation of the international application | on under 35 U.S.C. 154(d)(4). | | | | |
| 20. 🛛 Other items or information: | | | | | | |
| EXPRESS MAIL NO. EL394871695US; | Declarations and Powers of Attorney of Do | uglas Brenneman and Catherine Y. Spong; | | | | |
| Declarations of Illana Gozes, Meray Bassan, and Rachel Zamostiano; Appointment of Associate Attorneys and Agents; Statement under 37 C.F.R. 83.73(b); Change of Correspondence Address; and Return Receipt Postcard. | | | | | | |

page 1 of 2

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| US/ Application no. (if known, | | FR 1.5) INTERNATIONAL APPLICATION NO. | | ATTORNEY'S DOCKET NUMBER | |
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| Unknown | | PCT/US00/06364 | | O15280-377100US CALCULATIONS PTO USE ONLY | |
| | 21. The following fees are submitted: | | | CALCULATIONS P | TO USE ONLY |
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| Neither international pr | eliminary examination fee | (37 CFR 1.492) | | | |
| nor international search | fee (37 CFR 1.445(a)(2)) | paid to USPTO | \$1000.00 | | |
| and International Searc | n Report not prepared by t | he EPO or JPO | 31000.00 | | |
| International prelimina | ry examination fee (37 CF) | R 1.482) not paid to | | | |
| USPTO but Internation | al Search report prepared b | by the EPO of JPO | \$860.00 | | |
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| International prelimina USPTO but all claims of | ry examination fee (37 CF) did not satisfy provisions o | R 1.482) paid to f PCT Article 33(1)-(4) | \$690.00 | | |
| International prelimina USPTO and all claims | ry examination fee (37 CF) satisfied provisions of PC7 | R 1.482) paid to Article 33(1)(4) | \$100.00 | | |
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| | st claimed priority date (37 | | | 3 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total claims | 33 - 20 = | 13 | x \$18.00 | \$234.00 | <u> </u> |
| Independent claims | 3 -3 = | 0 | x \$80.00 + 270.00 | \$0 | |
| MULTIPLE DEPEND | ENT CLAIM(S) (if applica | F ABOVE CALCUL | | \$234.00 | |
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| above are reduc | = | ee 37 CFR 1.27. The fees | + | \$ | |
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| accompanied by an app | | TOTAL FEES ENC | | \$924.00 | |
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| NOTE: Where an ap 1.137(a) or (b) must b | propriate time limit unde e filed and granted to res | t, a petition to revive (3° | 7 CFR | | |
| SEND ALL CORRESPONDENCE TO: | | | | Comell | |
| Annatta C Dorant | A war of C. Danasat | | | | * |
| · | Annette S. Parent Townsend and Townsend and Crew LLP | | | | arent |
| \ . | | | | Annette S. P. | ai Ciil |
| Two Embarcadero Cer | | • | | NAME | |
| San Francisco, CA 94 | 111 | | | 42 NEO | |
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| 1 | | | | KEUISTKATIU | IN INDIVIDER |

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL. S NDROME AND NEURONAL CELL DEATH WITH ADNF POLYPERTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCI/US00/06364, and which comesponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to the examination of this application in accordance with Title 37, Unde of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's catificate having a filing date before that of the application on which priorit is claimed.

frior Foreign Application(s)

| | | | | • |
|-----------------|--|-------------|----------------------------|-----------------------------------|
| Country | Application No. | | ate of Filing | Priority Claimed Under 35 USC 119 |
| | | | | Yes No D |
| | | | | Yes No D |
| hercby claim th | e benefit under Title 35, United States Code § 1 | 19(c) of at | V United States provisions | al application(s) listed below: |
| Application No. | | Filin | Date | |
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claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insufar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the phor application and the national or PCT international filing date of this application:

| 46 | | | | |
|-----------------|----------------|----------|------------|-------------|
| At all a No | Date of Piling | | Status | |
| Application No. | | Patented | Pending | ☐ Abandoned |
| 09/267,511 | 12 March 1999 | Patented | Pending | ☐ Abandoned |
| | | | Pending | Abandoned |
| | | Palented | L] rending | |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Offic connected therewith.

> Robert Benson, Reg. No. 33,612 Steven M. Ferguson, Reg. No. 38,448 James C. Haight, Reg. No. 25,588 Joha P. Kim, Reg. No. 38,514

Susan S. Rucker, Reg. No. 35,762 David R. Sadowski, Rcg. No. 32,808 Jack Spiegel, Reg. No. 34,477

Send Correspondence to Appointed Associate Attorney or Agent Address:

Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:

Annette S. Parent
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San Francisco, CA 94111-3834

Name: Annette S. Parent Reg. No.: 42,058

Telephone: 415/576-0200 Fax: 415/576-0300

| | <u> </u> | _ | | |
|------------------------------------|--|---|--|--|
| - · · | First Name DOUGLAS | · | R. | : |
| City | 1 '11' | ountry | Country of Citizenshi United States | - |
| Post Office Address | City | | State/Country Maryland | Zip Codc 20872 |
| Last Name | First Name | | Middle Name or Init | ial |
| City | State/Forcign (| | Country of Citizensl United States | nip |
| Arlington Post Office Address | City | | State/Country Virginia | Zip Code 22207 |
| 3857 North Rixey Street Last Name | First Name | | Middle Name or In | itial |
| City | State/Foreign | ountry | Country of Citizenship Israel | |
| Post Office Address | City | ron | State/Country Israel | Zip Code |
| Last Name | Pirst Name | | Middle Name or L | nitial |
| City | State/Foreign | Country | Country of Citizen | nship |
| Post Office Address | City | Natania | State/Country Israel | Zip Code |
| Last Name | First Name RACHEL | | | |
| City | State/Forcigi Israel | Country | 1srael | |
| Post Office Address | City Hod Hasha | | State/Country Israel | Zip Code |
| | City Arlington Post Office Address 3857 North Rixey Street Last Name GOZES City Ramat Hasharon Post Office Address 14 Hamel Street Last Name BASSAN City Hod Hasharon Post Office Address 15A Ziporen Street Last Name ZAMOSTIANO City Hod Hasharon | Last Name BRENNEMAN City Damascus Post Office Address 10601 Santa Anita Terrace Last Name SPONG City Arlington Post Office Address 3857 North Rixey Street Last Name GOZES City Ramat Hasharon Post Office Address 14 Hamel Street Last Name BASSAN City Ilod Hasharon Post Office Address 15A Ziporen Street Last Name City Ilod Hasharon Post Office Address City Ramat Hasharon Post Office Address City Ramat Hash First Name MERAY State/Foreign Israel City Ilod Hasharon Post Office Address City Ramat Hash First Name MERAY State/Foreign Israel State/Foreign Israel City Ilod Hasharon Post Office Address City State/Foreign Israel City State/Foreign Israel City Givat Poleg, State/Foreign Israel City City City City City City City Cit | Last Name GOZES City Post Office Address 10601 Santa Anita Terrace Last Name SPONG City Arlington Post Office Address 3857 North Rixey Street Last Name GOZES City Ramat Hasharon Post Office Address 14 Hamel Street Last Name BASSAN City Rirst Name City Ramat Hasharon Post Office Address City Ramat Hasharon First Name BASSAN City City City City City City City Cit | DOUGLAS RETENNEMAN City Damascus Post Office Address 10601 Santa Anita Terrace Last Name SPONG City Arlington City City Arlington Cauntry of Citizenshi United States State/Country Maryland Middle Name or Init Y. State/Foreign Country Virginia City Arlington City Arlington Last Name GOZES City State/Country Virginia First Name ILLANA City Ramat Hasharon Post Office Address 14 Hamel Street Last Name BASSAN City Ramat Hasharon City Ramat Hasharon Pirst Name MERAV City Ramat Hasharon First Name MERAV City State/Country Israel City Ramat Hasharon City Ramat Hasharon City Ramat Hasharon City Ramat Hasharon First Name MERAV Country of Citizens Israel City City State/Country Israel City City State/Country Israel Country of Citizens Israel City City State/Country Israel City City City City City City City Cit |

Sent By: HP LaserJet 3100; Best Available Copy Aug-9-01 10:59PM; Page 4 Attorney Docket No. 015280-377100US DHHS Ref No. E-286-98/4 I further declare that all statements made herein of my own knowledge are tric and that all statements made on information and belief are be leved to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeepardize the validity of the application or any patent issuing thereon. Signature of Inventor 3 Signature of Inventor 2 ignature of Inventor 1 Illana Gozes Catherine Y. Spong Douglas E. Brennenin Date Date Date 08/09/01 Signature of Inventor 5 Signature of Inventor 4 Rachel Zamostiano Meray Basson Date Date F 1251798 v1

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-----------------------------------|-------------------------|
| | CYBRY | |
| Douglas E. Brenneman Date | Catherine Y. Spung Date 09/11/01 | Illana Gozes Dote |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------|
| Merav Bassau Date | Rachel Zamostiano Date |

SF 1251798 v1

DECLARATION AND POWER OF ATTORNEY

| oject matter which is complete the NDROME AND NEUR to as PCT International may reviewed and under above. I acknowledge to the of Federal Regulation plications(s) for patent attificate having a filing of | ddress and citizenship are as stated below is claimed and for which a patent is sough CONAL CELL DEATH WITH ADNF POLApplication No. PCT/US00/06364, and which stand the contents of the above identified state duty to disclose information which is nons. Section 1.56. I claim foreign priority or inventor's certificate listed below and helate before that of the application on which is | YPER ich com pecific nateri bene ave a | my name; I believe I am an original, first and joint inventor of the on the invention entitled: PREVENTION OF FETAL ALCOHOL. TIDES, the specification of which was filed in the PCT on 10 March responding U.S. national phase application is filed herewith. The stion, including the claims, as amended by any amendment referred to the examination of this application in accordance with Title 37, to the examination of this application in accordance with Title 37, nexts under Title 35, United States Code, Section 119 of any foreign are identified below any foreign application for patent or inventor's rice is claimed. |
|--|--|---|--|
| rior Foreign Applicatio | Application No. | | Date of Filing Priority Claimed Under 35 USC 119 |
| | | | Yes No Yes No No |
| | under Title 35, United States Code § 119(copplication No. | : | any United States provisional application(s) listed below: in Date |
| natter of each of the club of Title 35, United State Regulations, Section 1.5 | mis of this application is not disclosed in an | | United States application(s) listed below and, insofar as the subject of United States application in the manner provided by the first paragrap to disclose material information as defined in Title 37, Code of Federal or application and the national or PCT international filing date of the |
| Application: | Date of Filing | _ | Status |
| 09/267,511 | 12 March 1999 | | Patented Pending Abandoned Patented Pending Abandoned Pending Abandoned |
| | | | Patented Pending Abandoned |
| | | | order want(s) of the Government of the Unit |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Fealth and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612 Steven M. Ferguson, Reg. No. 38,448 James C. Haight, Reg. No. 25,588 Juhn P. Kim, Reg. No. 38,514 Susan S. Rucker, Reg. No. 35,762 David R. Sadowski, Reg. No. 32,808 Jack Spiegel, Reg. No. 34,477

Scrid Correspondence to Appointed Associate Attorney or Agent

Best Available Copy

Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:

Address:

Name: Annette S. Parent

Annette S. Parent

Reg. No.: 42,058

TOWNSEND and TOWNSEND and CREW LLP rwo Embarcadero Center, 8th Floor San Francisco, CA 94111-3834

Telephone: 415/576-0200 Fax#415/576-0300

| | | : | | | · · · · · · · · · · · · · · · · · · · |
|---------------------------------|---|-----------------------------|-------------|------------------------------------|---------------------------------------|
| ull Name | Last Name BRENNEMAN | First Name DOUGLAS | | Middle Name or Init | : |
| Inventor 1 Residence & | City | State/Forcign C Maryland | ountry | Country of Citizensh United States | nip |
| Citizenship Post Office | Post Office Address 10601 Santa Anita Terrace | City Damascus | | State/Country Maryland | Zip Codc 20872 |
| Address Full Name | Last Name SPONG | First Name CATHERINE | | Middle Name or Ini Y. | tial |
| of Inventor 2 Residence & | City | State/Forcign (| ountry | Country of Citizens United States | hip |
| Citizenship Post Office | Post Office Address 3857 North Rixey Street | City Arlington | | State/Country Virginia | Zip Code 22207 |
| Address Full Name of Inventor 3 | Last Name GOZES | First Name ILLANA | | Middle Name or In | itial : |
| Residence & Citizenship | City Ramat Hasharon | State/Foreign | country | Country of Citizen Israel | |
| Post Office | Post Office Address 14 Hamel Street | City Ramat Hash | ron | State/Country Israel | Zip Code |
| Address Full Name | Last Name BASSAN | First Name MERAV | | Middle Name of L | nitial |
| Ol'Inventor 4 Residence & | City Hod Hasharon | State/Foreign Israel | Country | Country of Citizen | |
| Post Office | Post Office Address 15A Ziporen Street | City Givat Poleg, | Natania | State/Country Israel | Zip Code |
| Address Full Name of Inventor 5 | Last Name ZAMOSTIANO | First Name RACHEL | | Middle Name or | <u>:</u> |
| Residence & Citizenship | City Hod Hasharon | State/Forcigi Israel | Country | Country of Citize | |
| Post Office Address | Post Office Address 17 Yeshuron Street | City Hod Hasha | m on | State/Country Israel | Zip Code |

| t By: HP LaserJet 3100; | Best Available Copy | Aug-9-01 10:59PM; | Page |
|--|---|--|--|
| | | Attorney Docket No. DHHS | 01 <i>5</i> 280-37710 Ref No. E-286 |
| | | | : : |
| orther declare that all statements mad ieved to be true; and further that thes | e herein of my own knowledge are true and to se statements were made with the knowledge both, under Title 18 of the United States Cod | hat all statements made on information an that willful false statements and the like so le. Section 1001 and that such willful false | d belief are o made are e statements m |
| pardize the validity of the application | n or any patent issuing thercon. | | |
| ignature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 | |
| As les | | · | : |
| oughs E. Brennemilp | Catherine Y. Spong | Illana Gozes Date | |
| Date 08/09/01 | Date | | : |
| Signature of Inventor 4 | Signature of Inventor 5 | | · · · · |
| | | | : |
| Meray Basson | Rachel Zamostiano | | |
| Date | Date | | · · · |
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| | (Page 3 of 3) | | : : |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are purishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-----------------------------------|-------------------------|
| | C482 | |
| Douglas E. Brenneman Date | Catherine Y. Spong Date 09/11/01 | Illana Gozes Date |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------|
| Meray Bassan Date | Rachel Zamostiano Date |

SF 1251798 v1

RECEIVED

JUN 1 3 2007

DECLARATION

OFFICE OF PETITIONS

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37. Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|----------------------------|--|------------------------------------|-----------------------------------|
| | | | Yes No |
| | | | Yes No No |
| | · | | Yes No 🗆 |
| _ | | | |
| hercby claim the benefit i | under Title 35, United States Code § 119 | (e) of any United States provision | onal application(s) listed below: |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|----------------------------|
| 09/267,511 | 12 March 1999 | Patented Pending Abandoned |
| USIEU I,J 1 C | | Patented Pending Abandoned |
| | · | Patented Pending Abandoned |

| Full Name of Inventor 1 | Last Name BRENNEMAN | First Name DOUGLAS | Middle Name or Init E. | ial |
|-------------------------|--|--------------------------------|------------------------------------|-------------------|
| Residence & Citizenship | City Damascus | State/Foreign Country Maryland | Country of Citizensl United States | nip |
| Post Office Address | Post Office Address 10601 Santa Anita Terrace | City Damascus | State/Country Maryland | Zip Code 20872 |
| Full Name of Inventor 2 | Last Name SPONG | First Name CATHERINE | Middle Name or Ini Y. | tial |
| Residence & Citizenship | City Arlington | State/Foreign Country Virginia | Country of Citizens United States | hip |
| Post Office Address | Post Office Address 3857 North Rixey Street | City Arlington | State/Country Virginia | Zip Code 22207 |
| Full Name of Inventor 3 | Last Name GOZES | First Name ILLANA | Middle Name or In | itial |
| Residence & Citizenship | City Ramat Hasharon | State/Foreign Country Israel | Country of Citizens Israel | ship |
| Post Office Address | Post Office Address 14 Hamel Street | City Ramat Hasharon | State/Country Israel | Zip Code |
| Full Name of Inventor 4 | Last Name BASSAN | First Name MERAV | Middle Name or In | itial |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizen Israel | ship |
| Post Office Address | Post Office Address 15A Ziporen Street | City Givat Poleg, Natania | State/Country Israel | Zip Code |
| Full Name of Inventor 5 | Last Name ZAMOSTIANO | First Name RACHEL | Middle Name or h | nitial |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizen Israel | nship |
| Post Office Address | Post Office Address 17 Yeshuron Street | City Hod Hasharon | State/Country Israel | Zip Code |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-------------------------|-----------------------------|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes Date . 8/23/01 |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------|
| Merav Bassan Datc | Rachel Zamostiano Date |

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| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|---------------------------|-------------------------|--|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes Date . \$\begin{align*} 23 0 \end{align*} |

| Signature of Inventor 4 | Signature of Inventor 5 |
|----------------------------|-------------------------|
| Russiam Merail | |
| Merav Bassan Date 08/28/01 | Rachel Zamostiano Date |

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| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-------------------------|-------------------------|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes 8/23/0/ |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------------|
| • | 11/2GOINS /N |
| Merav Bassan Datc | Rachel Zamostiano Date 9/2/01 |

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

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Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 | |
|---------|-----------------|----------------|--------------------------------------|--|
| | | | Yes No | |
| | | | Yes No 🗆 | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date | |
|-----------------|-------------|--|
| | | |
| | | |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|----------------------------|
| 09/267,511 | 12 March 1999 | Patented Pending Abandoned |
| | | Patented Pending Abandoned |
| | · | Patented Pending Abandoned |

| Full Name of Inventor I | Last Name BRENNEMAN | First Name DOUGLAS | Middle Name or Ini | tial | |
|----------------------------|---|--------------------------------|--------------------------------------|-------------------------------|--|
| Residence & Citizenship | City Damascus | State/Foreign Country Maryland | Country of Citizens United States | hip | |
| Post Office Address | Post Office Address 10601 Santa Anita Terrace | City Damascus | State/Country Maryland | Zip Code 20872 | |
| Full Name of Inventor 2 | Last Name SPONG | First Name CATHERINE | Middle Name or Initial Y. | | |
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| Full Name of Inventor 3 | Last Name GOZES | First Name ILLANA | Middle Name or Initial | | |
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| Full Name of Inventor 4 | Last Name BASSAN | First Name MERAV | Middle Name or Initial | | |
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| Post Office Address | Post Office Address 17 Yeshuron Street | City Hod Hasharon | State/Country Israel | Zip Code | |

4005

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| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|---------------------------|-------------------------|-------------------------|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes Date Date |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------|
| Merav Bassan Date | Rachel Zamostiano Date |

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| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|---------------------------|-------------------------|-------------------------|
| Douglas E. Brenneman Date | Catherine Y. Spong Date | Illana Gozes 8/23/01 |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------------|-------------------------|
| Rissiam Meral | |
| Merav Bassan Date 08/28/01 | Rachel Zamostiano Date |

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| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-------------------------|--|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes Date Date Da |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------------|
| | 11/060125 m |
| Merav Bassan Date | Rachel Zamostiano Date 9/2 0/ |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRENNEMAN et al.

Application No.: Unassigned

Filed: Herewith

For: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES

Examiner: Unassigned

Art Unit: Unassigned

APPOINTMENT OF ASSOCIATE
ATTORNEYS AND AGENTS BY
PRINCIPAL ATTORNEY OR AGENT
UNDER 37 CFR §1.34(b) AND
MPEP 402.02

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Under 37 CFR §1.34(b) and MPEP 402.02, the undersigned principal attorney or agent of record hereby appoints the following representatives from the law firm of TOWNSEND and TOWNSEND and CREW LLP, Two Embarcadero Center, 8th Floor, San Francisco, California 94111-3834, telephone: (415) 576-0200, as associate attorneys and/or patent agents in this application with full powers to prosecute this case and to transact all business in the Patent and Trademark Office connected therewith:

Philip H. Albert, Reg. No. 35,819
Hector A. Alicea, Reg. No. 40,891
Scott L. Ausenhus, Reg. No. 42,271
Kevin L. Bastian, Reg. No. 34,774
Guy Chambers, Reg. No. 30,617
M. Henry Heines, Reg. No. 28,219
Laurence J. Hyman, Reg. No. 35,551
William Michael Hynes, Reg. No. 24,168
William B. Kezer, Reg. No. 37,369

Jeffrey J. King, Reg. No. 38,515
Joe Liebeschuetz, Reg. No. 37,505
Jean Lockyer, Reg. No. 44,879
Annette S. Parent, Reg. No. 42,058
Steven W. Parmelee, Reg. No. 31,990
Brian W. Poor, Reg. No. 32,928
William M. Smith, Reg. No. 30,223
Andrew T. Serafini, Reg. No. 41,303
Joseph R. Snyder, Reg. No. 39,381
Eugenia Garrett-Wackowski, Reg. No. 37,330
Kenneth A. Weber, Reg. No. 31,667

Dated: Sept. 12, 2001

Respectfully submitted,

United States Department of Health and Human Services

3v

Susan S. Rucker, Reg. No. 35,762
Office of Technology Transfer
National Institutes of Health
6011 Executive Boulevard, Suite 325
Rockville, Maryland 20852

Telephone: (301) 496-7056

EXPRESS MAIL NO. EL 394871695 US

STATEMENT UNDER 37 C.F.R. § 3.73(b)

| Applicants: Douglas E. Brenneman, Catherine Y. Spong, Illana Gozes, Merav Bassan, and Rachel Zamostiano |
|--|
| Application No.: Unassigned Filed: Herewith |
| For: Prevention of Fetal Alcohol Syndrome and Neuronal Cell Death with ADNF Polypeptides |
| United States Department of Health and Human Services, a government agency (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.) |
| |
| certifies that it is assignee of the patent application identified above by virtue of either: |
| A. X An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel, Frame(s), or for which a copy thereof is attached. |
| OR |
| B A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below: |
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| The document was recorded in the Patent and Trademark Office at |
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| Additional documents in the chain of title are listed on a supplemental sheet. |
| |
| Copies of assignments or other documents in the chain of title are attached. |
| The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee. |
| I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. |
| Date : September 12, 2001 |
| Name : Susan S. Rucker |
| Title : Patent Advisor |
| Signature: 5800 cm |
| |

SF 1252518 v1

ASSIGNMENT

Best Available Copy 036408541;

JOINT

WHEREAS, Wc, Douglas E. Brenneman of 10601 Santa Anita Terrace, Damascus, Maryland, a citizen of the United States; Catherine Y. Spong of 3857 North Rixey Street, Arlington, Virginia, a citizen of the United States Illana Gozes of 14 Hamel Street, Rumat Hasharon, Israel, a citizen of Israel; Merav Bassan of 15A Ziporen Street, Givat Poleg, Natania, Israel, a citizen of Israel; and Rachel Zamostiano of 17 Yeshuron Street, Hod Hasharon, Israel, a citizen of Israel; all inventors being employees of the Department of Health and Human Services at the time the invention was made, have invented PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, for which an application to the Assistant Commissioner for Patents for grant of Letters Patents of the United States of America has been executed by the undersigned

on (date(s) Declaration signed):

is identified as U.S. Patent Application: Serial No.

> Filed ; and

WHEREAS, the conditions under which sall invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring all domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid application for Letters Patent of the United States of America; and

of the premises and other valuable considerations we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services (hereinafter THE GOVERNMENT), and his suchessors, the full and exclusive right, title, and interest throughout the United States of America, is territories and dependencies, and within each and every foreign country in which THE GOVER MENT elects to file the invention described in the aforesaid application for Letters Patent of the United States of America, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the application as provided by the

NOW, THEREFORE, to all whom it may of neem, be it known that for and in consideration

FOR RECORDATION

Paris Convention, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof

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AND, we hereby authorize and request the A sistant Commissioner for Patents to issue said Letters Patent to THE GOVERNMENT as assignce of the entire right, title, and interest in and to the same throughout the United States of America, it territories and dependencies, and within each and every foreign country in which THE GOVERNI ENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted ereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoint, provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and we shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

The undersigned hereby grants THE GOVERNMENT or the law firm of Townsend and Townsend and Crew LLP, the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated. Dauglas E. Brennenian STATE OF Maryland UNITED STATES OF AMERICA

Jan Trudy C. Welsh, Notary Public

On August 24, 2001, before menting and title of the officer), personally appeared Douglas to brentenen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/shc/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument. WITNESS my hand and official seal. Molany Pablic

My Commission Experies

May 1, 2003 (Seal)

9-11-01

| (UBD - | 9.11-01 |
|---|---|
| Catherine Y.Spong | (Date) |
| STATE OF Manyland) | |
| COLINTY OF Montgomen | |
| to me on the basis of satisfactory evidence | e) to he the person(s) whose name(s) is/are subscribed to to me that he/she/they executed the same in his/her/their er/their signature(s) on the instrument the person(s), or the |
| WITNESS my hand and official seal. | |
| | Signature Judy C. Wills |
| | They Commission Expires |
| (Seal) | Thy Commission Expires May 1, 2003 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re application of: |) | Examiner: Unassigned |
|--|--------|---|
| BRENNEMAN et al. |) | Art Unit: Unassigned |
| Application No.: Unassigned |)) | CHANGE OF CORRESPONDENCE ADDRESS ACCORDING TO |
| Filed: Herewith |) | MPEP 403(a) and 403.01 |
| For: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES |) | |
| | | RECEIVED |
| Assistant Commissioner for Patents | | JUN 1 3 2007 |
| Washington, D. C. 20231 | | OFFICE OF PETITIONS |
| Sir: | | |

Please address all future correspondence in this case to:

Annette S. Parent

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

Telephone: (415) 576-0200 Facsimile: (415) 576-0300

Dated: September 12, 2001

Respectfully submitted,

United States Department of Health and Human Services

By_

Susan S. Rucker Reg. No.: 35,762

Office of Technology Transfer National Institutes of Health

6011 Executive Boulevard, Suite 325

Rockville, Maryland 20852 Telephone: (301) 496-7056

EXPRESS MAIL NO. EL 394871695 US

EXHIBIT C

United States Patent and Trademark Office Washington, D.C. 20231

Annette S. Parent Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111

In re Application of BRENNEMAN et al

U.S. Application No.: 09/936,888

Int. Application No.: PCT/US00/06364

Int. Filing Date: 10 March 2000 Priority Date: 12 March 1999

Attorney Docket No.: 015280-377100US

For: PREVENTION OF FETAL ALCOHOL

SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES

COMMUNICATION

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OFFICE OF PETITIONS

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 10 March 2000, applicant filed international application PCT/US00/06364, which claimed priority of an earlier United States application filed 12 March 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 September 2001.

On 12 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and executed declarations.

On 28 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

DISCUSSION

The declarations filed 12 September 2001 are improper. Specifically, at least one of the declarations contains more than one "Page 3 of 3". It is not sufficient to supply only the signature page of a declaration. The Notification of Missing Requirements mailed 28 November 2001 did not specify this defect. Applicant must furnish either: 1) a single complete declaration which is presented to and executed by all of the inventors or 2) multiple complete declarations, each of which is executed by at least one of the inventors.

CONCLUSION

For the reasons above, the Notification of Missing Requirements mailed 28 November 2001 is hereby <u>VACATED</u>.

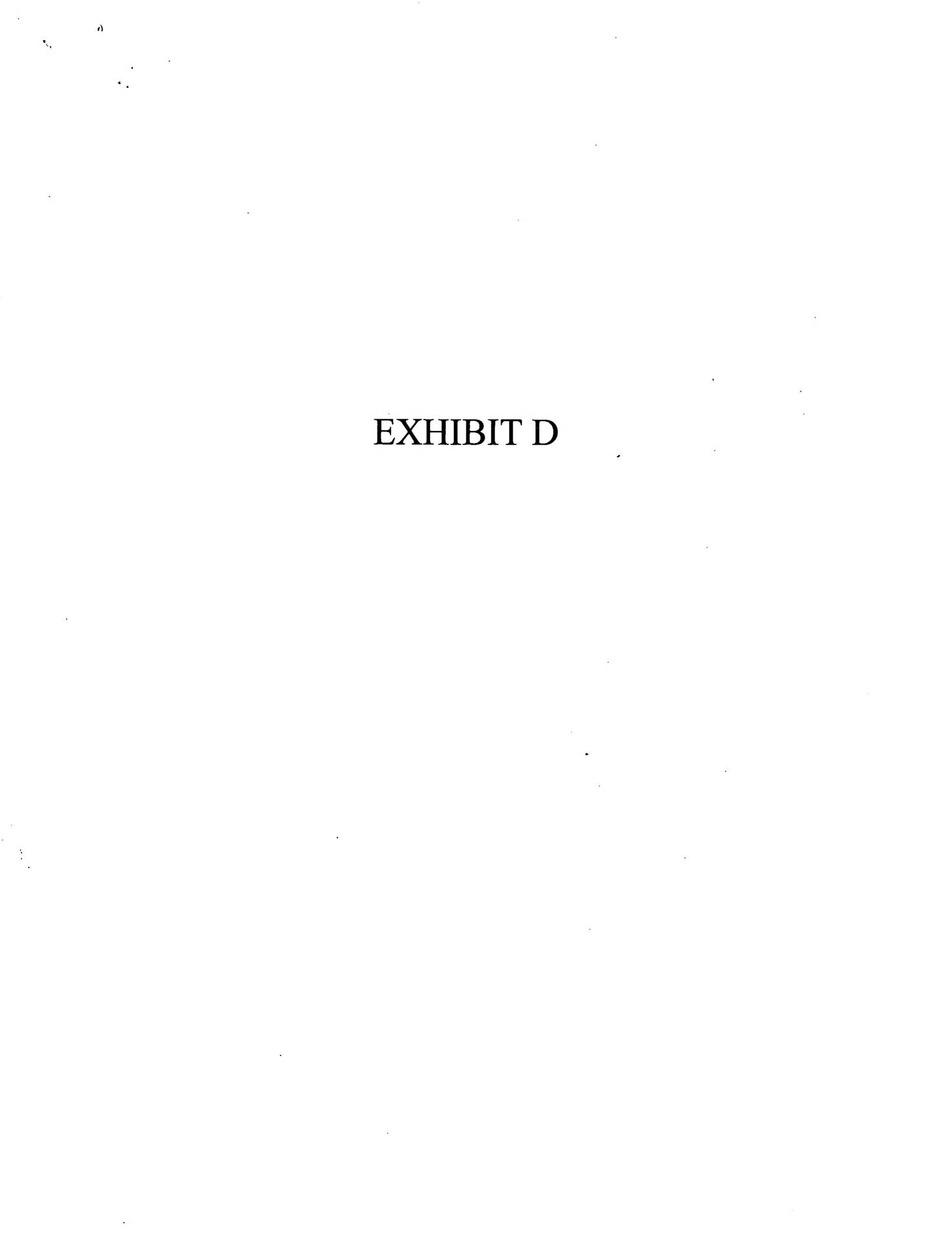
The application is being forwarded to the DO/EO/US for processing in accordance with this decision, including preparation of a new Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) along with a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) stating that the declarations filed 12 September 2001 are improper for the reasons set forth in this communication.

Bryan Tung

PCT Legal Examiner

PCT Legal Office

Telephone: 703-308-6614 Facsimile: 703-308-6459



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| FORM PTO-1390 U.S. DEPARTMENT OF COMME (REV. 11-2000) | RCE PATENT AND TRADEMARK OFFICE | ATTORNEY 'S DOCKET NUMBER 015280-377100US |
| TRANSMITTAL LETTER | TRANSMITTAL LETTER TO THE UNITED STATES | |
| DESIGNATED/ELECTE | D OFFICE (DO/EO/US) | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) |
| CONCERNING A FILING | • | 09/936,888 |
| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED |
| PCT/US00/06364 | March 10, 2000 | March 12, 1999 |
| TITLE OF INVENTION | <u>i</u> | |
| | SYNDROME AND NEURONAL CELL I | DEATH WITH ADNF POLYPEPTIDES |
| APPLICANT(S) FOR DO/EO/US | · · · · · · · · · · · · · · · · · · · | |
| Douglas BRENNEMAN, Catherine Y | '. Spong, Illana Gozes, Merav Bassan, | , and Rachel Zamostiano |
| Applicant herewith submits to the United St | tates Designated/Elected Office (DO/EO/US) |) the following items and other information: |
| | ns concerning a filing under 35 U.S.C. 371. | |
| | NT submission of items concerning a filing to | |
| 3. This is an express request to begin no | ational examination procedures (35 U.S.C. 3 | |
| (5), (6), (9) and (21) indicated below 4. The US has been elected by the expire | | 44t_1_ 91\ |
| | ration of 19 months from the priority date (A | Article 31). |
| 5. A copy of the International Applicati | | 170 \ |
| . — | only if not communicated by the International | al Bureau). |
| b. has been communicated by a | | |
| | cation was filed in the United States Receiving | - |
| | he International Application as filed (35 U.S. | .C. 371(c)(2)). |
| a. is attached hereto. | | |
| | ted under 35 U.S.C. 154(d)(4). | |
| | ernational Application under PCT Article 19 | |
| | d only if not communicated by the Internation | nal Bureau). |
| b. have been communicated by | | |
| c. have not been made; however | er, the time limit for making such amendmer | nts has NOT expired. |
| d. have not been made and will | I not be made. | |
| | he amendments to the claims under PCT Arti | |
| 9. An oath or declaration of the invento | or(s) (35 U.S.C. 371(c)(4)). [Please see below | w.] |
| 10. An English language translation of the Article 36 (35 U.S.C. 371(c)(5)). | | · |
| Items 11 to 20 below concern docu | ment(s) or information included: | |
| 11. An Information Disclosure Statement | | |
| | ng. A separate cover sheet in compliance wi | ith 27 CED 2 28 and 2 21 is included |
| 13. A FIRST preliminary amendment. | ig. A separate cover sheet in comphance wi | IIII 37 CFR 3.26 and 3.31 is included. |
| 14. A SECOND or SUBSEQUENT preli | iminary amandment | |
| 15. A substitute specification. | minary amendment. | |
| | | A STATE OF THE STA |
| 16. A change of power of attorney and/or | address letter. | advisor. |
| 17. A computer-readable form of the sequence 18. A second converte published into | | 3ter.2 and 35 U.S.C. 1.821 – 1.825. |
| 18. A second copy of the published interr | | r - 1 |
| 19. A second copy of the English language | | |
| 20. Other items or information: Appl | licants previously submitted the required | Declarations. Enclosed are copies from |
| our EXPRESS MAIL NO. EL394871695U Brenneman and Catherine Y. Spong; Decl | S Illing to the PIU with the Declarations larations of Illana Gozes Meray Bassan a | and Powers of Attorney of Douglas |
| Receipt; and Return Receipt Postcard. Th | nerefore, Applicants believe that NO FEE | IS DUE. |

| 09/936,888 | | PCT/US00/06364 | NU. | 015280-37710 | |
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| the second secon | ving fees are submitted: | | | CALCULATIONS P | |
| BASIC NATIONAL | L FEE (37 CFR 1.492(A) | (1) - (5)): | | | |
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| USPTO and all claims | s satisfied provisions of PC | T Article 33(1)(4) | \$100.00 | | <u> </u> |
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| Annette S. Parent | | | | SIGNATURE | |
| Townsend and Townse | and and Crass III | | | | |
| | | | | Annette S. Par | ent |
| Two Embarcadero Cen | | | | NAME | |
| San Francisco, CA 941 | 111 | | | | |
| | | | | 42,058 | |
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BOX PCT (National Phase) PATENT APPLICATION FILING ACKNOWLEDGMENT

Mailing Date: September 12, 2001

Express Mail Label No.: EL 394871695 US

File No.: <u>015280-377100US</u>

Attorney: Annette S. Parent/kji

Inventor(s): BRENNEMAN et al.

Title: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL **DEATH WITH ADNF POLYPEPTIDES**

- Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371, w/authorization to charge fee (+duplicate);
- Declarations and Powers of Attorney of Douglas Brenneman and Catherine Y. Spong;
- Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano;
- Appointment of Associate Attorneys and Agents;
- Statement under 37 C.F.R. §3.73(b); and

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BOX PCT (National Phase) PATENT APPLICATION FILING ACKNOWLEDGMENT

Mailing Date: September 12, 2001 ruc .: 0.. _15280-377100US

Express Mail Label No.: EL 394871695 US

Attorney: Annette S. Parent/kji

Inventor(s): BRENNEMAN et al.

Title: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL

ADNF POLYPEPTIDES

- ▼ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371, w/authorization to charge fee (+duplicate); Declarations and Powers of Attorney of Douglas Brenneman and Catherine Y. Spong;
- Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano;
- Appointment of Associate Attorneys and Agents;
- Statement under 37 C.F.R. §3.73(b); and
- Change of Correspondence Address.

09/936888

JC03 Rec'd PCT/PTO 1 2 SEP 2001

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| (REV. 11-2000) TRANSMITTAL LETTER | 015280-377100US | | | | | |
|--|--|--|--|--|--|--|
| | DESIGNATED/ELECTED OFFICE (DO/EO/US) | | | | | |
| | CONCERNING A FILING UNDER 35 U.S.C. 371 | | | | | |
| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED | | | | |
| PCT/US00/06364 | March 10, 2000 | March 12, 1999 | | | | |
| | 17141011 10, 2000 | | | | | |
| TITLE OF INVENTION PREVENTION OF FETAL ALCOHOL. | SYNDROME AND NEURONAL CELL D | FATH WITH ADNE POI VEEDTINES | | | | |
| TREVENTION OF TETRE ABCORDE | STRUKOME AND REGROUND CEEDS & | | | | | |
| APPLICANT(S) FOR DO/EO/US | | | | | | |
| Douglas BRENNEMAN, Catherine | Y. Spong, Illana Gozes, Merav Bassan, | and Rachel Zamostiano | | | | |
| Applicant herewith submits to the United S | tates Designated/Elected Office (DO/EO/US) | the following items and other information: | | | | |
| 1. M This is a FIRST submission of iter | ns concerning a filing under 35 U.S.C. 371. | | | | | |
| 2. This is a SECOND or SUBSEQUE | ENT submission of items concerning a filing t | ınder 36 U.S.C. 371. | | | | |
| 3. This is an express request to begin r (5), (6), (9) and (21) indicated below | national examination procedures (35 U.S.C. 3 | 71(f). The submission must include items | | | | |
| | v. iration of 19 months from the priority date (A | rticle 31) | | | | |
| 5. A copy of the International Applica | | inicie 31). | | | | |
| | l only if not communicated by the Internation | of Ruracu) | | | | |
| b. has been communicated by | | at Duteau). | | | | |
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| _ ' ' ' | cation was filed in the United States Receiving | · | | | | |
| a. is attached hereto. | the International Application as filed (35 U.S. | .C. 3/1(c)(2)). | | | | |
| | ttoddo= 25 11 C C 154(d)(4) | | | | | |
| | tted under 35 U.S.C. 154(d)(4). | (25 LLC C 271(a)(2)) | | | | |
| <u></u> | ternational Application under PCT Article 19 ed only if not communicated by the Internatio | | | | | |
| b. have been communicated by | | ilai Bulcau). | | | | |
| • | ver, the time limit for making such amendmen | nto has NOT expired | | | | |
| d. A have not been made and w | | its has tvot expired. | | | | |
| | the amendments to the claims under PCT Art | icle 19 (35 II S.C. 371 (c)(3)) | | | | |
| 9. An oath or declaration of the invent | | (c)(3)). | | | | |
| | the annexes of the International Preliminary E | Examination Report under PCT | | | | |
| Article 36 (35 U.S.C. 371(c)(5)). | | | | | | |
| | ument(s) or information included: | · | | | | |
| <u></u> | 11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98. | | | | | |
| | ling. A separate cover sheet in compliance w | ith 37 CFR 3.28 and 3.31 is included. | | | | |
| | 13. A FIRST preliminary amendment. | | | | | |
| 14. A SECOND or SUBSEQUENT pre | liminary amendment. | | | | | |
| 15. A substitute specification. | | | | | | |
| 16. A change of power of attorney and/ | | | | | | |
| • | quence listing in accordance with PCT Rule | 13ter.2 and 35 U.S.C. 1.821 – 1.825. | | | | |
| 18. A second copy of the published into | | • | | | | |
| | age translation of the international application | n under 35 U.S.C. 154(d)(4). | | | | |
| 20. Other items or information: | | • | | | | |
| EXPRESS MAIL NO. EL394871695US; | Declarations and Powers of Attorney of Doug | glas Brenneman and Catherine Y. Spong; | | | | |
| Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano; Appointment of Associate Attorneys and Agents; Statement under 37 C.F.R. §3.73(b); Change of Correspondence Address; and Return Receipt Postcard. | | | | | | |



| I/S/ Application no. (if known, see 37 CFR 1.5) | | | | OUS | | |
|--|---|---------------------------------------|------------------------|---------------------------------------|--|--|
| | known PCT/US00/06364 | | | PTO USE ONLY | | |
| 21. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492) | | | | | | |
| Neither international preliminary examination nor international search fee (37 CFR 1.445(a) and International Search Report not prepared | n fee (37 CFR 1.492) (2)) paid to USPTO | \$1000.00 | | | | |
| International preliminary examination fee (37 USPTO but International Search report prepa | | \$860.00 | | | | |
| International preliminary examination fee (37 USPTO but international search fee (37 CFR | | \$710.00 | | | | |
| International preliminary examination fee (37 USPTO but all claims did not satisfy provision. | | \$690.00 | | | | |
| USPTO and all claims satisfied provisions of | PCT Article 33(1)(4) | \$100.00 | 50000 | | | |
| | E BASIC FEE AMOUNT = | T 20 | \$690.00 | | | |
| Surcharge of \$130.00 for furnishing the oath months from the earliest claimed priority date | e (37 CFR 1.492(e)). | · · · · · · · · · · · · · · · · · · · | s | | | |
| CLAIMS NUMBER FILED Total claims 33 - 20 = | | RATE | \$ \$234.00 | | | |
| Total claims 33 - 20 = Independent claims 3 -3 = | 13 | x \$18.00 x \$80.00 | \$234.00 \$0 | | | |
| MULTIPLE DEPENDENT CLAIM(S) (if ap | ···· | + 270.00 | \$ | | | |
| | L OF ABOVE CALCUL | | \$234.00 | · · | | |
| Applicant claims small entity statue above are reduced by 1/2. | · | | \$ | | | |
| | SUI | BTOTAL = | \$924.00 | · · · · · · · · · · · · · · · · · · · | | |
| Processing fee of \$130.00 for furnishing the months from the earliest claimed priority date | | 20 🔲 30 | \$ | | | |
| | TOTAL NATION | VAL FEE = | 924.00 | | | |
| Fee for recording the enclosed assignment (3 accompanied by an appropriate cover sheet (| • | | \$ | · | | |
| | TOTAL FEES ENC | LOSED = | \$924.00 | | | |
| | | | Amount to be refunded: | s | | |
| | | | charged: | s | | |
| a. A check in the amount of \$ | to cover the above for | ees is enclosed. | | | | |
| b. 🛛 Please charge my Deposit Accour | nt No. 20-1430 in the amount of | \$924.00 to cove | er the above fees. | | | |
| c. | <u> </u> | • | | у | | |
| d. Fees are to be charged to a credit | card. WARNING: Information | on this form ma | ay become public. Cree | | | |
| information should not be inclu | d Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status. | | | | | | |
| SEND ALL CORRESPONDENCE TO: | SIGNATURE | | | | | |
| Annette S. Parent | | | | | | |
| Townsend and Townsend and Crew LLP | | | Annette S. F | Parent Parent | | |
| Two Embarcadero Center, 8th Floor | | | NAME | MUII | | |
| San Francisco, CA 94111 | | | INAME | | | |
| | | | 42,058 | | | |
| | · | | REGISTRATIO | ON NUMBER | | |

FORM PTO-1390 (rev 11-2000) page 2 of 2 SF 1268727 v1

Best Available Copy

James C. Haight, Reg. No. 25,588

John P. Kim, Reg. No. 38,514

DECLARATION AND POWER OF ATTORNEY

| y residence, post bject matter who NDROME AND OO as PCT International acknowledge of Federal Folications(s) for stificate having a second of the second of t | netional Application Notational Applications. Section 1. Patent or inventor's confiling date before that | Tenship are as stated below which a patent is so DEATH WITH ADNE Po. PCT/US00/06364, and ents of the above identificate information which serificate listed below are of the application on which | oLYPER which co ed specific is materia ority bene | rides, the exponding to the extending to the extender to identify | c specificating U.S. national luding the carnination of the St. Utilical below a second control of the second c | laims, as an | n was in pplication nended ication i | on is filed by any or accords | herewith. nendment ince with 1 | reforred litle 37, foreign |
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| rior Foreign Ap | plication(s) | Application No. | | Date of Fi | ling | | Priority | Claimed 5 USC 1 | 19 | |
| Country | | | | | | | | | | |
| | | | | | | | Yes _ | | <u> </u> | - |
| | | | ! | | | | Yes _ | No | <u> </u> | |
| claim the benc | Application No. fit under Title 35, Unif | ited States Code, Section lication is not disclosed in the filing day | Filing 120 of ar | Date / United Juited St | States applicat | ication(s) lition in the romation as | sted belonanter positioned or PCT | ow and, i | nsofar as the first 37, Code | of Federal |
| Application N | ο. | Date of Filing | | | | | Status | | | |
| 09/267,511 | | 12 March 1999 | | | Patented | Pend | ding | | ndoned | |
| | | | | | Patented | Pen | ding | Aba | ndoned | |
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| | ing as computation by fi | amed inventor, I hereby a he Socretary of the Dopar ess in the Patont and Trade | LITICAL OF " | Main area | | • | ent(s) of cc of Te | the Gov chnology | ernment of Transfer, t | the Unite o prosecu |

Send Correspondence to Appointed Associate Attorney or Agent Address:

Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:

Annette S. Parent TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Ceuter, 8th Floor San Francisco, CA 94111-3834 Name: Annette S. Parent

Reg. No.: 42,058

Telephone: 415/576-0200 Fax: 415/576-0300

| • | | | | | |
|----------------------------|---|-------------------------|---------|---------------------------------------|-------------------|
| ull Name | Lust Name BRENNEMAN | First Name DOUGLAS | | Middle Name or Init | ial : |
| Inventor 1 Residence & | City | State/Foreign Co | untry | Country of Citizensh United States | nip |
| Citizenship Post Office | Post Office Address | City Damascus | | State/Country Maryland | Zip Codc 20872 |
| Address Full Name | 10601 Santa Anita Terrace Last Name | First Name CATHERINE | | Middle Name or In | tial |
| of Inventor 2 Residence & | City | State/Porcign C | | Country of Citizens United States | ship |
| Cilizenship Post Olfice | Post Office Address 3857 North Rixey Street | City Arlington | · | State/Country Virginia | Zip Code 22207 |
| Address Full Name | Last Name | First Name ILLANA | | Middle Name or Ir | nitial |
| of Inventor 3 Residence & | City Ramat Hasharon | State/Foreign | ountry | Country of Citizer Israel | ship |
| Citizenship Post Office | Post Office Address 14 Hamel Street | City Ramat Hashi | ron | State/Country Israel | Zip:Code |
| Full Name | Last Name BASSAN | Pirst Name MERAV | | Middle Name or I | nitial : |
| of Inventor 4 Residence & | City 11od Hasharon | State/Foreign Israel | Country | Country of Citize | nship : |
| Post Office Address | Post Office Address 15A Ziporen Street | City Givat Poleg, | Natania | State/Country Israel | Zip Code |
| Full Name of Inventor 5 | Lust Name ZAMOSTIANO | First Name RACHEL | | Middle Name or | [nitial |
| Residence & Citizenship | City Hod Hasharon | State/Forcigi | Country | Country of Citiz | |
| Post Office | Post Office Address 17 Yeshuron Street | City Hod Hashai | | State/Country Israel | Zip Code |

Sent By: HP LaserJet 3100;

Attorney Docket No. 015280-377100US DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are be leved to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are be leved to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jee pardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 | |
|--|-------------------------|-------------------------|--|
| Bu | | | |
| Douglas E. Brennenian Date 08/09/01 | Catherine Y. Spong Date | Iliana Gozes Date | |
| | | · : | |

Signature of Inventor 5

Meray Bassan
Date

Signature of Inventor 5

Rachel Zamostiano
Date

SF 1251798 v1

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-----------------------------------|-------------------------|
| | C482 | |
| Dauglas E. Brenneman Date | Catherine Y. Spong Date 09/11/01 | Illana Gozes Date |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------|
| Meray Bassua Date | Rachel Zamostiano Date |

SF 1251798 v1

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37. Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|-----------------------------------|
| · | | | Yes No |
| | | | Yes No 🗆 |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date | |
|-----------------|-------------|--|
| | | |
| | | |
| • | | |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | | Status | |
|-----------------|----------------|------------|-----------|-------------|
| 09/267,511 | 12 March 1999 | Patented | □ Pending | ☐ Abandoned |
| | | ☐ Patented | Pending | Abandoned |
| | | Patented | Pending | ☐ Abandoned |

| Full Name of Inventor 1 | Last Name BRENNEMAN | First Name DOUGLAS | Middle Name or Ini | tial | |
|----------------------------|---|--------------------------------|-----------------------------------|--------------------------------------|--|
| Residence & Citizenship | City Damascus | State/Foreign Country Maryland | Country of Citizens United States | hip | |
| Post Office Address | Post Office Address 10601 Santa Anita Terrace | City Damascus | State/Country Maryland | Zip Code 20872 | |
| Full Name of Inventor 2 | Last Name SPONG | First Name CATHERINE | Middle Name or In Y. | itial | |
| Residence & Citizenship | City Arlington | State/Foreign Country Virginia | Country of Citizens United States | Country of Citizenship United States | |
| Post Office Address | Post Office Address 3857 North Rixey Street | City Arlington | State/Country Virginia | Zip Code 22207 | |
| Full Name of Inventor 3 | Last Name GOZES | First Name ILLANA | Middle Name or In | Middle Name or Initial | |
| Residence & Citizenship | City Ramat Hasharon | State/Foreign Country Israel | Country of Citizen Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 14 Hamel Street | City Ramat Hasharon | State/Country Israel | Zip Code | |
| Pull Name of Inventor 4 | Last Name BASSAN | First Name MERAV | Middle Name or It | Middle Name or Initial | |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizen Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 15A Ziporen Street | City Givat Poleg, Natania | State/Country Israel | Zip Code | |
| Full Name of Inventor 5 | Last Name ZAMOSTIANO | First Name RACHEL | Middle Name or la | Middle Name or Initial | |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizer Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 17 Yeshuron Street | City Hod Hasharon | State/Country Israel | Zip Code | |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-------------------------|--|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes Date Date Da |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------|
| Merav Bassan Datc | Rachel Zamostlano Date |

SF 1258047 v1

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|---------------------------|-------------------------|-------------------------|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes 8/23/01 |

| Signature of Inventor 4 | Signature of Inventor 5 |
|----------------------------|-------------------------|
| Russiam Meral | |
| Merav Bassan Date 08/28/01 | Rachel Zamostiano Date |

SF 1258047 v1

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-------------------------|-----------------------------|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes Date . 8/23/0/ |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------------|
| | 11/1:60125/1 |
| Merav Bassan Datc | Rachel Zamostiano Date 9/2/04 |

SF 1258047 v1



615280-377101US



UNITED STATES PATENT AND TRADEMARK OFFICE

Contributioner for Patents, Box PCT United States Patient and Trademark Office Washakdor, D.C. 2003

FIRST NAMED APPLICANT ATTY DOCKET NO U.S. APPLICATION NUMBER NO 015280-377100US Douglas Brenneman 09/936,888 INTERNATIONAL APPLICATION NO

PCT/US00/06364

LA. FILING DATE

PRIORITY DATE

03/10/2000

03/12/1999

Annette S. Parent Townsend & Townsend & Crew Two Embarcadero Center, 8th Floor San Francisco, CA 94111

TOWNSER

DEC 0 7 2001

CONFIRMATION NO. 2917

Date Mailed: 11/28/2001 1850 1820_

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- **Priority Document**
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

• \$130 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER N | IO. | INTERNATIONAL APPLICATION NO. | ĄTTY. DOCKET NO. |
|---------------------------|-----|-------------------------------|------------------|
| 09/936.888 | • | PCT/US00/06364 | 015280-377100US |

Best Available Copy

2002

PCT INITIAL PROCESSING

09/936,888

~ 05 JUL 2002 gas Rec'd PCT/P

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USPTO MAIL CENTER

Two Embarcadero Center 8th Floor

San Francisco California 94111-3834

015280-377100US

WNSEND

Assistant Commissioner for Patents Washington, D.C. 2023.1 BOX PCT - MISSING PARTS Washington, D.C.

EXHIBIT E



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT United States Patent and Trademark Office Washington, D.C., 2023:

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO

09/936,888 Douglas Brenneman

015280-377100US

PCT/US00/06364

I.A. FILING DATE

PRIORITY DATE

03/10/2000

03/12/1999

CONFIRMATION NO. 2917

371 FORMALITIES LETTER

OC000000008546064

Annette S. Parent Townsend & Crew Two Embarcadero Center, 8th Floor San Francisco, CA 94111

Date Mailed: 08/02/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - It's not sufficient to supply only the signature page of declaration

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/936,888 | PCT/US00/06364 | 015280-377100US |

FORM PCT/DO/EO/916 (371 Formalities Notice)

EXHIBIT F



United States Patent and Trademark Office

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023 I

Annette S. Parent Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111

In re Application of BRENNEMAN et al

U.S. Application No.: 09/936,888.

Int. Application No.: PCT/US00/06364

Int. Filing Date: 10 March 2000 Priority Date: 12 March 1999

Attorney Docket No.: 015280-377100US

Fo. PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES

COMMUNICATION

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 10 March 2000, applicant filed international application PCT/US00/06364, which claimed priority of an earlier United States application filed 12 March 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 September 2001.

On 12 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and executed declarations.

On 28 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Application No.: 09/936,888

On 05 July 2002, applicant filed newly executed declarations.

On 17 July 2002, this Office mailed a communication which stated that the declarations filed 12 September 2001 are improper.

On 02 August 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) which set a one month time limit for response.

DISCUSSION

The declarations filed 12 September 2001 and 05 July 2002 are improper. Specifically, at least one of the declarations contains more than one "Page 3 of 3". It is not sufficient to supply only the signature page of a declaration. Applicant must furnish either: 1) a single complete declaration which is presented to and executed by all of the inventors or 2) multiple complete declarations, each of which is executed by at least one of the inventors.

CONCLUSION

The application is being returned to the DO/EO/US to await a response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed 02 August 2002.

Bryan Tung

PCT Legal Examiner

PCT Legal Office

Telephone: 703-308-6614 Facsimile: 703-308-6459

EXHIBIT G

TO THE U.S. PATENT AND TRADEMARK OFFICE:

Please stamp the date of receipt of the following documents(s), and return this card to us.

Title of Document(s): Trans. Form SB/21 (1 pg.); Response to Notification of Defective Response Under 35 U.S.C. 371 (2 pgs.); copy of Notification (2 pgs.);

copy of Withdrawal of Previously Sent Notice (1 pg.); executed complete Dec. of Brenneman (3 pgs.); executed complete Dec. of Spong (3 pgs.); executed complete Dec. of Gozes and Bassan; and

executed complete Dec. of Zamostiano (3 pgs.).

Date Due:

Sept. 2, 2002

Appln. No.:

09/936,888

Date Mailed:

August 26, 2002

File No.:

015280-377100US

TO THE U.S. PATENT AND TRADEMARK OFFICE:

Please stamp the date of receipt of the following documents(s), and return this card to us.

Title of Document(s):

Trans. Form SB/21 (1 pg.); Response to Notification of Defective

Response Under 35 U.S.C. 371 (2 pgs.); copy of Notification (2 pgs.); copy of Withdrawal of Previously Sent Notice (1 pg.); executed complete Dec. of Brenneman (3 pgs.); executed complete Dec. of Spong (3 pgs.); executed complete Dec. of Gozes and Bassan; and executed complete Dec. of Zamostiano (3 pgs.).

Date Due:

Sept. 2, 2002

Appln. No.:

09/936,888

Date Mailed:

August 26, 2002

File No.:

015280-377100US

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| Please type a plus sign (+) inside this bo | »x.→ [+] | | | | PTO/SB/21 (08-0 ugh 10/31/2002. OMB 0651-003 | 31 | | |
| Under the Paperwork Reduction Act of 1995, | | | | | DEPARTMENT OF COMMERO displays a valid OMB control numb | | | |
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | | 09/936,888 | | | | |
| | | Filing | Filing Date | | September 12, 2001 | | | |
| | | First N | lamed Inventor | Brenneman, Douglas E. | | | | |
| | | Group | Group Art Unit Unassigned | | ed | | | |
| | | Exami | ner Name | Unassign | Unassigned | | | |
| Total Number of Pages in This Submission 18 | | Attorne | ey Docket Number | 015280-377100US | | | | |
| | ENCLO | OSURES | (check all that apply) | ······································ | | | | |
| Fee Transmittal Form | | ment Pap Application | nent Papers pplication) | | After Allowance Communication to Group | | | |
| Fee Attached | ☐ Drawin | ☐ Drawing(s) | | | Appeal Communication to Board of Appeals and Interferences | | | |
| Amendment / Response | Amendment / Response | | | Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) | | | | |
| After Final | and Ac | Petition Routing Slip (PTO/SB/69) and Accompanying Petition | | | etary Information | | | |
| Affidavits/declaration(s) | | Petition to Convert to a Provisional Application | | | Status Letter | | | |
| Extension of Time Request | · · · · · · · · · · · · · · · · · · · | Power of Attorney, Revocation Change of Correspondence Address | | | Enclosure(s) identify below): | | | |
| Express Abandonment Request | Express Abandonment Request | | | 1 | stcard; Response to Notificati re Response Under 35 U.S.C. | | | |
| Information Disclosure Statement | | Request for Refund CD, Number of CD(s) | | | ole executed Declarations of Brenneman, Spong, Gozes, and Zamostiano; copy of an arrangement. | | | |
| Certified Copy of Priority Document(s) | Remai | The Commissioner is a Deposit Account 20-14 | | | charge any additional fees to |) | | |
| Response to Missing Parts/ Incomplete Application | | | | | | | | |
| Response to Missing Parts under 37 CFR 1.52 or 1.53 | | | | | | | | |
| | | | ANT, ATTORNEY, O | RAGENT | | | | |
| Firm Townsend and To | | Crew LLP | | | • | | | |
| Individual name Annette S. Paren | 1 | 0 | Reg. No. | . 42,058 | <i>;</i> | | | |
| Signature | (Invette S F2) | | | | | | | |
| Date August 26, 2002 | | | • | · | | | | |
| | | | TE OF MAILING | | | <u> </u> | | |
| I hereby certify that this correspondence class mail in an envelope addressed to: | is being depos Assistant Com | sited with missione | the United States Postar for Patents, Washingto | I Service wit | h sufficient postage as first 31 on this date: August 26, 2002 | | | |
| Typed or printed name Dana Kane, | | | | - | | | | |
| Signature | and | Xa | <u>.</u> | Date | August 26, 2002 | | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SF 1379428 v1

I hereby certify that this response is being deposited via First Class Mail addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on August 26, 2002.

PATENT Attorney Docket No.: 015280-377100US

Client Ref. No.: E-286-98/4

Townsend and Townsend and Crew LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Douglas E. Brenneman et al.

Application No.: 09/936,888

Filed: September 12, 2001

For: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH **ADNF POLYPEPTIDES**

Customer Service Center Initial Patent Examination Division **Assistant Commissioner for Patents** Washington, D.C. 20231

Examiner:

Unassigned

Art Unit:

Unassigned

Confirmation No. 2917

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE UNDER 35 U.S.C. 371

RECEIVED

JUN 1 3 2007

OFFICE OF PETITIONS

Sir:

In response to the Notification of Defective Response mailed August 2, 2002 and the Communications of July 17, 2002 and August 15, 2002, respectively, applicants herewith submit multiple complete executed Declarations of inventors Douglas E. Brenneman, Catherine Y. Spong, Illana Gozes, Merav Bassan and Rachel Zamostiano.

09/936,888 Brenneman *et al*. Page 2

A copy of the Notification is attached hereto.

Respectfully submitted,

Annette S. Parent Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

Tel: 415-576-0200 Fax: (415) 576-0300

ASP:dk SF 1379420 v1

12 March 1999

09/267,511

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| Full Name of Inventor 1 | Last Name BRENNEMAN | First Name DOUGLAS Middle Name or Initial E. | | tial |
|----------------------------|--|---|-----------------------------------|-------------------|
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| Post Office Address | Post Office Address 10601 Santa Anita Terrace | City Damascus | State/Country Maryland | Zip Code 20872 |
| Full Name of Inventor 2 | Last Name SPONG | First Name CATHERINE | Middle Name or In | itial |
| Residence & Citizenship | City Arlington | State/Foreign Country Virginia | Country of Citizens United States | ship |
| Post Office Address | Post Office Address 3857 North Rixey Street | City Arlington | State/Country Virginia | Zip Code 22207 |
| Full Name of Inventor 3 | Last Name GOZES | First Name _ILLANA | Middle Name or In | itial |
| Residence & Citizenship | City Ramat Hasharon | State/Foreign Country Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 14 Hamel Street | City Ramat Hasharon | State/Country Israel | Zip Code |
| Pull Name of Inventor 4 | Last Name BASSAN | First Name MERAV | Middle Name or It | nitial |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 15A Ziporen Street | City Givat Poleg, Natania | State/Country Larael | Zip Code |
| Full Name of Inventor 5 | Last Name ZAMOSTIANO | First Name RACHEL | Middle Name or la | nitial |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizen | nehip |
| Post Office Address | Post Office Address 17 Yeshuron Street | City Hod Hasharon | State/Country Israel | Zip Code |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|------------------------------|-------------------------|---------------------------|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes Date Date |
| | | |
| Signature of Inventor 4 | Signature of Inventor 5 | • |

Date

SF 1258047 v1

Datc



DECLARATION AND POWER OF ATTORNEY

Anothey Docket No. 015280-3771001/S
DIffs Ref No. E-286-98/4

RECEIVED

JUN 1 3 2007

| a helow named inventor. I declare that: Presidence, post office address and citizenship are as stated below next to review the declared that the present of the superior of the fivention entitled: PREVBNTION OF PETIAL ALCOHO plot matter which is claimed and for which a patent is sought on the invention entitled: PREVBNTION OF PETIAL ALCOHO OB SPCT International Application No. PCTUS00/06364, and which corresponding U.S. national phase application is filed therewith. The provided and understand the contents of the above identified specification is calculated by any amendment referred above. I acknowledge the duty to disclose information which is material to the examination of this application is accordance with Title 3 above. I acknowledge the duty to disclose information which is material to the examination of this application is accordance with Title 3 above. I acknowledge the duty to disclose information which is material to the examination of this application is accordance with Title 3 above. I acknowledge the duty to disclose information which is material to the examination of this application is accordance with Title 3 above. I acknowledge the duty to disclose information which is material to the examination of this application is accordance with Title 3 above. I acknowledge the duty is claimed. Priority Claimed Under 35 USC 119 Yes | | MANERA | | : 1 | | | | | • | |
|--|--|--|---|----------------------------------|---------------------------------|--|---|---|--|--|
| Application No. Date of Filing | y residence, post of place matter which NDROME AND 00 as PCT International reviewed and above. I acknowledge of Federal Residential Residence. | office address and citized is claimed and for NEURONAL CELL I ational Application No. I understand the content dedge the duty to disceptiations. Section 1.5 | DEATH WITH ADNE PO PCT/US00/06364, and w ints of the above identified lose information which is information which is reflecte listed below and | specific material ty bene- | espondation, in to the ts under | the specifical ling U.S. national ling U.S. nation of examination of Title 35, Utilied below a | claims, as amount of this applications of the contract of the | nal, first TION (was filed lication anded by ation in | and joint in OF FETAL in the PCT is filed here any amend accordance to the point in 119 of the point in the point i | ventor of the ALCOHOL on 10 March with the with Title 3 of any foreign |
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| hereby claim the benefit under Title 35, United States Code § 119(c) of ary United States provisional application(s) listed below: Application No. Filing Date | Country | | Application No. | | ate of | Filing | | | | |
| hereby claim the benefit under Title 35, United States Code § 119(c) of ary United States provisional application(s) listed below: Application No. | | | · | | _, , | | Y | es 🗌 | No 🗔 | |
| Application No. Filing Date claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insufar as the sufficient of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Fed Regulations, Section 1.56 which occurred between the filing date of the plant of application: Application No. Date of Filing Status O9/267,511 12 March 1999 Patented Pending Abandoned | | | | | | | Y | es 🗌 | No 🗀 | |
| matter of each of the claims of this application is not discussed in the pro- of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of For Regulations, Section 1.56 which occurred between the filing date of the pro- supplication: Application No. Date of Filing Status Description 12 March 1999 Patented Pending Abandoned Patented Pending Abandoned | hercby claim the | | United States Code § 119 | - | | d States provi | sional applica | tion(s) l | isted below: | |
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Fealth and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612
Steven M. Ferguson, Reg. No. 38,448
James C. Haight, Reg. No. 25,588
John P. Kim, Reg. No. 38,514

Sugan S. Rucker, Reg. No. 35,762
David R. Sadowski, Reg. No. 32,808
Jack Spiegel, Reg. No. 34,477

send Correspondence to Appointed Associate Attorney or Agent Address:

Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:

Annette S. Parent

COWNSEND and TOWNSEND and CREW LLP

Name: Annette S. Parent Reg. No.: 42,058

Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834 Telephone: 415/576-0200 Fax: 415/576-0300

| uli Name | Lust Name BRENNEMAN | First Name <u>DOUGLAS</u> | | Middle Name or Initi | : |
|---------------------------------|---|----------------------------------|---------|------------------------------------|-------------------|
| Residence & | City Damascus | State/Forcign C Maryland | unity M | Country of Citizensh United States | ; T : |
| Post Office | Post Office Address 10601 Santa Anita Terrace | City Damascus | | State/Country Maryland | Zip Codc 20872 |
| Address Full Name of Inventor 2 | Last Name SPONG | First Name CATHERINE | | Middle Name or Ini Y. | tial : |
| Residence & | City Arlington | State/Porcign C | ounity | Country of Citizens United States | hip · |
| Citizenship Post Office | Post Office Address 3857 North Rixey Street | City Arlington | | State/Country Virginia | Zip Code 22207 |
| Address Full Name | Last Name GOZES | First Name ILLANA | | Middle Name or In | itial |
| Residence & | City Ramat Hasharon | State/Foreign | ountry | Country of Citizens | |
| Post Office | Post Office Address 14 Hamel Street | City Ramat Hash | ron (| State/Country Israel | Zip Code |
| Full Name | Last Name BASSAN | Pirst Name MERAV | | Middle Name of L | nitial : |
| Residence & | City Hod Hasharon | State/Foreign Israel | Country | Country of Citizen | rship : |
| Post Office | Post Office Address 15A Ziporen Street | City Givat Poleg, | Natania | State/Country Israel | Zip Code |
| Address Full Name of Inventor 5 | Lust Name ZAMOSTIANO | First Name RACHEL | | Middle Name or | [กเต่น] |
| Residence & Citizenship | City Hod Hasharon | State/Forcign | Country | Country of Citize | |
| Post Office Address | Post Office Address 17 Yeshurou Street | City Hod Hashar | n | State/Country Israel | Zip Code |

Attorney Docket No. 015280-377100US DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are be leved to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jee pardize the validity of the application or any patent issuing thereon.

| signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 | |
|-------------------------|-------------------------|-------------------------|--|
| Douglas E. Brennemin | Catherine Y. Spong | Illana Gozes Date | |
| Date 08/09/01 | Date | | |
| Signature of Inventor 4 | Signature of Inventor 5 | | |

Rachel Zamostiano

Date

dF 1251798 v1

Meray Bassan

Date



Attorney Docket No. 015280-377100US

DIMS Ref No. E-286-98/4

DECLARATION AND POWER OF ATTORNEY

| & THA | INF. BILL | | |
|---|---|--|--|
| njoct matter which is completed in the NDROME AND NEURO OO as PCT International Analysis reviewed and understance of Federal Regulation and of Federal Regulation | Idress and citizenship are as stated below aimed and for which a patent is sough ONAL CELL DEATH WITH ADNF POLA pplication No. PCT/US00/06364, and who tand the contents of the above identified a let y to disclose information which is the | YPEF nich cor specific materia y bene- have a | my name; I believe I am an original, first and joint inventor of the invention entitled: PREVENTION OF FETAL ALCOHOR THE IDES, the specification of which was filed in the PCT on 10 Mar corresponding U.S. national phase application is filed herewith. If attion, including the claims, as amended by any amendment referred to the examination of this application in accordance with Title in the index of the states of the states of the states of the patent or inventorial in the claimed. |
| rior Foreign Application | ı(s ') | • | |
| Country | Application No. | | Pate of Filing Priority Claimed Under 35 USC 119 |
| | | | Yes No 🖸 |
| | | | Yes No |
| | under Title 35, United States Code § 119(colors title 35, United States | | ar United States provisional application(s) listed below: in: Date |
| claim the benefit under | Title 35, United States Code, Section 120 | O of at | ary United States application(s) listed below and, insular as the sular linited States application in the manner provided by the first parage |
| matter of each of the claim | is of this application is not disclosed in an | c prior | or United States application in the manner provided by the first paragoral United States application in the manner provided by the first paragoral disclose material information as defined in Title 37, Code of Fe or application and the national or PCT international filing date of the provided states application and the national or PCT international filing date or provided by the first paragoral disclosers application and the national or PCT international filing date or provided by the first paragoral disclosers application in the manner provided by the first paragoral disclosers application in the manner provided by the first paragoral disclosers application in the manner provided by the first paragoral disclosers application in the manner provided by the first paragoral disclosers application in the manner provided by the first paragoral disclosers application and the national or PCT international filing date or provided by the first paragoral disclosers application and the national or PCT international filing date or provided by the first paragoral disclosers application and the national or PCT international filing date or provided by the first paragoral disclosers application and the national disclosers application and the n |
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| | | oine sh | the following attorney(s) and/or agent(s) of the Government of the t |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Fealth and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612 Steven M. Ferguson, Reg. No. 38,448 James C. Haight, Reg. No. 25,588 John P. Kim, Reg. No. 38,514 Susan S. Rucker, Reg. No. 35,762 David R. Sadowski, Rcg. No. 32,808 Jack Spiegel, Reg. No. 34,477

Attorney Docket No. 015280-377100US DHHS Ref No. E-286-98/4

and Correspondence to Appointed Associate Attorney or Agent Address:

Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:

Annette S. Parent TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834

Name: Annette S. Parent Reg. No.: 42,058 Telephone: 415/576-0200

Fax 415/576-0300

| | | 1 | | | |
|---------------------------------|---|-------------------------|---------|-------------------------------------|--|
| an rame | Last Name BRENNEMAN | First Name DOUGLAS | | Middle Name or Initia | |
| of Inventor 1 Residence & | City | State/Forcign Co. | ımıry | Country of Citizenshi United States | <u>: </u> |
| Citizenship Post Office | Post Office Address | City Damascus | | State/Country Maryland | Zip Codc 20872 |
| Address Full Name | 10601 Santa Anita Terrace Last Name | First Name CATHERINE | | Middle Name or Init Y. | ial |
| of Inventor 2 Residence & | City | State/Forcign C | ountry | Country of Citizensh United States | nip |
| Citizenship Post Office | Post Office Address | City Arlington | . V | State/Country Virginia | Zip Code 22207 |
| Address Full Name | 3857 North Rixey Street Last Name | First Name | | Middle Name or Ini | tial : |
| of Inventor 3 Residence & | City | State/Foreign | ountry | Country of Citizens Israel | hip : |
| Citizenship Post Office | Post Office Address 14 Hamel Street | City Ramat Hashi | ron | State/Country Israel | Zip:Code |
| Address Full Name | Last Name BASSAN | Pirst Name MERAV | | Middle Name or Ir | ·: |
| of Inventor 4 Residence & | City 11od Hasharon | State/Foreign Israel | Country | Country of Citizen | ·. ———————————————————————————————————— |
| Citizenship Post Office | Post Office Address 15A Ziporen Street | City Givat Poleg, | Natania | State/Country Israel | Zip Code |
| Full Name | Lust Namo ZAMOSTIANO | First Name RACHEL | | Middle Name of | <u> </u> |
| of Inventor 5 Residence & | City 11od Hasharon | State/Forcigi Israel | Country | Country of Citize | |
| Citivenship Post Office Address | Post Office Address 17 Yeshurou Street | City Hod Hasha | on | State/Country Lsruel | Zip Code |



I further declare that all statements made herein of thy own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|---------------------------|-----------------------------------|-------------------------|
| | CyBry | |
| Douglas E. Brenneman Date | Catherine Y. Spung Date 09/11/01 | Illana Gazes Date |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------|
| Meray Bassan Date | Rachel Zamostiano Date |

SF 1251798 v1



DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37. Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|-----------------------------------|
| | | | Yes No 🗆 |
| | | | Yes No 🗌 |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date . |
|-----------------|---------------|
| | |
| | , |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|----------------------------|
| 09/267,511 | 12 March 1999 | Patented Pending Abandoned |
| | | Patented Pending Abandoned |
| | · | Patented Pending Abandoned |

| Full Name of Inventor 1 | Last Name BRENNEMAN | First Name DOUGLAS | Middle Name or Initial E. | |
|----------------------------|--|--------------------------------|---------------------------------------|------------|
| Residence & Citizenship | City Damascus | State/Foreign Country Maryland | Country of Citizenship United States | |
| Post Office Address | Post Office Address 10601 Santa Anita Terrace | City Damascus | State/Country Zip Code Maryland 20872 | |
| Full Name of Inventor 2 | Last Name SPONG | First Name CATHERINE | Middle Name or Ini | tial |
| Residence & Citizenship | City Arlington | State/Foreign Country Virginia | Country of Citizens United States | hip ——— |
| Post Office Address | Post Office Address 3857 North Rixey Street | City Arlington | State/Country Virginia | |
| Full Name of Inventor 3 | Last Name GOZES | First Name ILLANA | Middle Name or Initial | |
| Residence & Citizenship | City Ramat Hasharon | State/Foreign Country Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 14 Hamel Street | City Ramat Hasharon | State/Country Israel | Zip Code |
| Pull Name of Inventor 4 | Last Name BASSAN | First Name MERAV | Middle Name or Initial | |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizen Israel | ship |
| Post Office Address | Post Office Address 15A Ziporen Street | City Givat Poleg, Natania | State/Country Zip Co | |
| Full Name of Inventor 5 | Last Name ZAMOSTIANO | First Name RACHEL | Middle Name or Initial | |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 17 Yeshuron Street | City Hod Hasharon | State/Country Zip Code | |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|-------------------------|-------------------------|-------------------------|
| Douglas E. Brenneman | Catherine Y. Spong Date | Illana Gozes 8/23/01 |

| Signature of Inventor 4 | Signature of Inventor 5 |
|----------------------------|-------------------------|
| Busiam Meral | |
| Merav Bassan Date 08/28/01 | Rachel Zamostiano Date |

SF 1258047 v1

AND TRADEMARK OFFICE

Pecelie

Commissioner for Patents, Box FC1 United States Patent and Traderwork Office Washington, D.C. 20230

Ang. olgan, www.

U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

ATTY, DOCKET NO.

09/936,888

Douglas Brenneman

015280-377100US

INTERNATIONAL APPLICATION NO.

PCT/US00/06364

I.A. FILING DATE

PRIORITY DATE

03/10/2000

03/12/1999

Annette S. Parent Townsend & Townsend & Crew Two Embarcadero Center, 8th Floor San Francisco, CA 94111

CONFIRMATION NO. 2917

Response Due

Date Mailed: 08/02/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - It's not sufficient to supply only the signature page of declaration

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/936,888 | PCT/US00/06364 | 015280-377100US |

FORM PCT/DO/EO/916 (371 Formalities Notice)



United States Patent and Trademark Office

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231

www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./FITLE

09/936,888

Douglas Brenneman

015280-377100US

Annette S. Parent Townsend & Townsend & Crew Two Embarcadero Center, 8th Floor San Francisco, CA 94111 CONFIRMATION NO. 2917
WITHDRAWAL OF ABANDONMENT
NOTICE

OC000000008545575

Date Mailed: 08/02/2002

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

It has come to the attention of the Office that the Notice mailed on 06/10/2002 was sent in error. Please disregard that Notice. The application is complete and will be processed for examination. The Official Filing Receipt is enclosed. We apologize for any inconvenience this has caused.

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

EXHIBIT H



INITED STATES PATENT AND TRADEMARK OFFICE

Congressioner for Patents, Box PCT United States Patent and Trademark Office Washington, E.C. 2023

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO. 09/936,888 Douglas E Brenneman 015280-377100US INTERNATIONAL APPLICATION NO. PCT/US00/06364 Annette S Parent I.A. FILING DATE PRIORITY DATE 03/10/2000 03/12/1999

Townsend & Townsend & Crew Two Embarcadero Center 8th Floor San Francisco, CA 94111-3834

CONFIRMATION NO. 2917 371 ACCEPTANCE LETTER *OC000000008836782*

Date Mailed: 09/24/2002

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

09/03/2002

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS

09/03/2002

DATE OF RECEIPT OF ALL 35 U.S.C. REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PAULETTE R KIDWELL Telephone: (703) 305-3656

PART 3 - OFFICE COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

EXHIBIT I



Washington, DC 20231 www.uspto.gov

APPLICATION NUMBER **GRP ART UNIT** FILING DATE FIL FEE REC'D ATTY.DOCKET.NO **DRAWINGS TOT CLAIMS** IND CLAIMS 015280-09/936,888 09/03/2002 1054 1646 6 33 3 377100US

CONFIRMATION NO. 2917

Annette S Parent Townsend & Townsend & Crew Two Embarcadero Center 8th Floor San Francisco, CA 94111-3834

FILING RECEIPT *OC000000008836781*

Date Mailed: 09/24/2002

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Douglas E Brenneman, Damascus, MD; Catherine Y Spong, Arlington, VA; Illana Gozes, Ramat Hasharon, ISRAEL: Merav Bassan, Hod Hasharon, ISRAEL; Rachel Zamostiano, Hod Hasharon, ISRAEL:

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US00/06364 03/10/2000

Foreign Applications

UNITED STATES OF AMERICA 267511 03/12/1999

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Prevention of fetal alcohol syndrome and neuronal cell death with adnf polypeptides

3

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

DECLARATION AND POWER OF ATTORNEY

| Djoct matter which NDROME AND NO 00 as PCT Internalic ave reviewed and unabove. I acknowled add of Federal Regulations(s) for patentificate having a filter | ice address and citize is claimed and for EURONAL CELL Is and Application Not address and the content of the daty to disculations. Section 1.5 tent or inventor's ceing date before that of the date o | conship are as stated belower which a patent is soon DEATH WITH ADNE POINT POINT POINT OF the above identified lose information which is stificate listed below and of the application on which is the application on which | LYPER hich comments to be the have a | ripes, the specification esponding U.S. national estion, including the claim to the examination of its under fitte 35. Unit to identified below any | I phase application this application of States Code | ed by any amend | with. ment referred with Title 37, of any foreign |
|---|--|---|---------------------------------------|---|---|--|--|
| rior Foreign Applic | eation(x) | Application No. | | ate of Filing | Priori Unde | ty Claimed r 35 USC 119 | |
| | | | | | Yes | N₀ □ | |
| | | | | | Yes | □ No □ | |
| metter of each of the | ciums of this appli | ed States Code, Section 1 cution is not disclosed in 1 n 112, I acknowledge the cod between the filing date | are been | 1 | nation as delignational or PC | red in Title 37, C T international fi | COOC OF LONGE |
| Application No. | | Date of Piling | | | Status | Abandon | ed |
| 09/267,511 | | 12 March 1999 | · · · · · · · · · · · · · · · · · · · | | Pending | Abandon | |
| | | | | Patented Patented | Pending Pending | Abandon | |
| POWER OF ATT States of America a this application and | ORNEY: As a nare as represented by the I transact all busines | med inventor, I hereby ap e Socretary of the Departr is in the Patent and Trader | point the neat of I | following attorney(s) a calth and Human Service c connected therewith. | and/or agent(s) | : : | ient of the United isfer, to prosecute |

Send Correspondence to Appointed Associate Attorney or Agent ddress:

Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:

Annette S. Parent
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Name: Annette S. Parent

Reg. No.: 42,058
Telephone: 415/576-0200
Fax: 415/576-0300

| | | | | |
|--|--|---|---|--|
| Last Name BRENNEMAN | First Name DOUGLAS | | R. | <u>:</u> : |
| City | State/Foreign Cou Maryland | miry | Country of Citizensh United States | : |
| Post Office Address | City Damescus | | State/Country Maryland | Zip Codc 20872 |
| Last Name | First Name CATHERINE | · | Middle Name or Ini | tial : |
| City | State/Forcign Co Virginia | untry | Country of Cilizens United States | hip |
| Post Office Address | City | | State/Country Virginia | Zip Code 22207 |
| Last Name | First Name ILLANA | | Middle Name or In | itial : |
| City | State/Foreign | ountry | Country of Citizens Israel | ship : |
| Post Office Address | City | on | State/Country Israel | Zip Code |
| Last Name | Pirst Name MERAV | | Middle Name of L | nitial |
| City | State/Foreign | Country | Country of Citizen | rship |
| Post Office Address | City | latania | State/Country Israel | Zip Code |
| Lust Name | First Name RACHEL | | Middle Name or | [nítia] |
| City | State/Forcigit | Country | Country of Citize | |
| Post Office Address 17 Yeshurou Street | City Hod Hashan | n | State/Country Lsruel | Zip Code |
| | City Damascus Post Office Address 10601 Santa Anita Terrace Last Name SPONG City Arlington Post Office Address 3857 North Rixey Street Last Name GOZES City Ramat Hasharon Post Office Address 14 Hamel Street Last Name BASSAN City Hod Hasharon Post Office Address 15A Ziporen Street Last Name ZAMOSTIANO City Hod Hasharon Post Office Address | BRENNEMAN City Damascus Post Office Address 10601 Santa Anita Terrace Last Name SPONG City Arlington Post Office Address 3857 North Rixey Street City Ramat Hasharon Post Office Address 14 Hamel Street City Ilod Hasharon Post Office Address City Ramat Hasharon Post Office Address City Ramat Hasharon Post Office Address City Ramat Hasharon Pirst Name BASSAN City City City City City City City Cit | City Damascus Post Office Address 10601 Santa Anita Terrace Last Name SPONG City Arlington Post Office Address 3857 North Rixey Street Last Name GOZES City Ramat Hasharon Post Office Address 14 Hamel Street Last Name BASSAN City Itod Hasharon Post Office Address City Ramat Hasharon Post Office Address City Ramat Hasharon Pirst Name GOZES City Ramat Hasharon Pirst Name ILLANA City Ramat Hasharon Pirst Name City Ramat Hasharon Pirst Name City Ramat Hasharon Pirst Name Ramat Hasharon Pirst Name Ramat Hasharon Pirst Name Ramat Hasharon Pirst Name Reray State/Foreign Country Israel Last Name Post Office Address City Givat Polegi Natania First Name RACHEL City Itod Hasharon Last Name Brenneman City Damascus Post Office Address 10601 Santa Anita Terrace Last Name Spong City Arlington Post Office Address 3x57 North Rixey Street Last Name GOZES City State/Foreign Country Virginia City Arlington City State/Foreign Country Virginia City Arlington City State/Foreign Country Virginia Middle Name or Intify Virginia Middle Name or Intify Virginia Middle Name or Intify Virginia Country of Citizens United States State/Country Virginia Middle Name or Intify Virginia Middle Name or Intify Virginia Country of Citizens United States State/Country Virginia Middle Name or Intify Virginia Middle Name or Intify Country of Citizens Israel City Ramat Hasharon Post Office Address Last Name BASSAN City State/Foreign Country Israel Last Name MERAV City Itod Hasharon Post Office Address City City City City City Country of Citizens Israel Last Name MERAV Country of Citizens Israel Last Name MERAV Country of Citizens Israel Last Name Country of Citizens Israel Last Name RACHEL City State/Country Israel Country of Citizens Country Country of Citizens City City City Country of Citizens Country C |

I further declare that all statements made herein of my own knowledge are tric and that all statements made on information and belief are be leved to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are be leved to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may partize the validity of the application or any patent issuing thereon.

| ignature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 | |
|--------------------------|-------------------------|-------------------------|---------------------|
| I IIVIIDIAS EN DICHIONNE | Catherine Y. Spong Date | Illana Gozes Date | |
| Date 08/09/01 | Signature of Inventor 5 | | · · · · · · · · · · |

| Signature of Inventor 4 | Signature of Inventor 5 | |
|-------------------------|-------------------------|--|
| Meray Bassan Date | Rachel Zamostiano Dale | |

F 1251798 v1

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37. Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|-----------------------------------|
| | | | Yes No |
| | | | Yes No D |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date | |
|-----------------|-------------|--|
| | | |
| | | |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|----------------------------------|
| 09/267,511 | 12 March 1999 | ☐ Patented ☒ Pending ☐ Abandoned |
| | | Patented Pending Abandoned |
| | · | Patented Pending Abandoned |

| Fuli Name of Inventor 1 | Last Name BRENNEMAN | First Name DOUGLAS | Middle Name or Initial E. | |
|----------------------------|---|--------------------------------|---------------------------------------|-------------------|
| Residence & Citizenship | City Damascus | State/Foreign Country Maryland | Country of Citizenship United States | |
| Post Office Address | Post Office Address 10601 Santa Anita Terrace | City Damascus | State/Country Zip Code Maryland 20872 | |
| Full Name of Inventor 2 | Last Name SPONG | First Name CATHERINE | Middle Name or Ini | tial |
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| Post Office Address | Post Office Address 3857 North Rixey Street | City Arlington | State/Country Virginia | Zip Code 22207 |
| Full Name of Inventor 3 | Last Name GOZES | First Name ILLANA | Middle Name or Initial | |
| Residence & Citizenship | City Ramat Hasharon | State/Foreign Country Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 14 Hamel Street | City Ramat Hasharon | State/Country Israel | Zip Code |
| Full Name of Inventor 4 | Last Name BASSAN | First Name MERAV | Middle Name or In | itial |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizent | ship |
| Post Office Address | Post Office Address 15A Ziporen Street | City Givat Poleg, Natania | State/Country Israel | Zip Code |
| Full Name of Inventor 5 | Last Name ZAMOSTIANO | First Name RACHEL | Middle Name or Initial | |
| Residence & Citizenship | City Hod Hasharon | State/Foreign Country Israel | Country of Citizenship Israel | |
| Post Office Address | Post Office Address 17 Yeshuron Street | City Hod Hasharon | State/Country Israel | Zip Code |

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| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|---------------------------|-------------------------|---------------------------|
| Douglas E. Brenneman Datc | Catherine Y. Spong Date | Illana Gozes Date 8/23/01 |

| Signature of Inventor 4 | Signature of Inventor 5 |
|-------------------------|-------------------------------|
| | 11/260125 /2 |
| Merav Bassan Datc | Rachel Zamostiano Date 9/2/01 |

SF 1258047 v1

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

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Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|-----------------------------------|
| | | | Yes No 🗆 |
| | <u> </u> | | Yes No 🗌 |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date | • |
|-----------------|-------------|---|
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I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | | Status | |
|-----------------|----------------|------------|-----------|-------------|
| 09/267,511 | 12 March 1999 | ☐ Patented | □ Pending | ☐ Abandoned |
| | | Patented | Pending | ☐ Abandoned |
| | · | Patented | Pending | ☐ Abandoned |

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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| Merav Bassan Date 08/28/01 | Rachel Zamostiano Date |

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DECLARATION AND POWER OF ATTORNEY

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| rior Foreign Appl | ication(ĸ) | | | | |
| Country | | Application No. | | of Filing | Priority Claimed Under 35 USC 119 |
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| | <u>,</u> | | | | Yes No C |
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| weller is feach of It | ic clinins of this wip | legition is not macrosco | | close material information as application and the national of | anner provided by the first paragraph defined in Title 37, Code of Federal PCT international filing date of this |
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Robert Benson, Reg. No. 33,612 Steven M. Ferguson, Reg. No. 38,448 James C. Huight, Reg. No. 25,588 Joha P. Kim, Reg. No. 38,514

this application and transact all business in the Patent and Trademark Office connected therewith. Susan S. Rucker, Reg. No. 35,762 David R. Sadowski, Rcg. No. 32,808 Jack Spiegel, Reg. No. 34,477

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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| | C482 | |
| Douglas E. Breaneman Date | Catherine Y. Spong Date 09/11/01 | Illana Gozes Date |

| Signature of Inventor 4 | Signature of Inventor 5 |
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| Meray Bassan Date | Rachel Zamostiano Date |

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